

House bill No. 4000, as changed by the committee on Bills in the Third Reading and as amended and passed to be engrossed by the House. May 8, 2003.



# The Commonwealth of Massachusetts

IN THE YEAR ~~ONE THOUSAND NINE HUNDRED AND NINETY~~  
TWO THOUSAND AND THREE

## AN ACT MAKING APPROPRIATIONS FOR THE FISCAL YEAR 2004 FOR THE MAINTENANCE OF THE DEPARTMENTS, BOARDS, COMMISSIONS, INSTITUTIONS AND CERTAIN ACTIVITIES OF THE COMMONWEALTH, FOR INTEREST, SINKING FUND AND SERIAL BOND REQUIREMENTS AND FOR CERTAIN PERMANENT IMPROVEMENTS.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is immediately to make appropriations for the fiscal year beginning July 1, 2003, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions and other services, and for certain permanent improvements and to meet certain requirements of law, the sums set forth in sections 2, 2B, 2D and 3, for the several purposes and subject to the conditions specified in sections 2, 2B, 2D and 3, are hereby appropriated from the General Fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the approval thereof for the fiscal year ending June 30, 2004. All sums appropriated under this act, including supplemental and deficiency budgets, shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women and handicapped persons. All officials and employees of an agency, board, department, commission or division receiving monies under this act shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth. Each agency, board, department, commission or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, in-service or apprenticeship training programs and all terms and conditions of employment.

**SECTION 2.**

**JUDICIARY.**

*Supreme Judicial Court.*

0320-0003	For the operation of the supreme judicial court, including salaries of the chief justice and the 6 associate justices, and the cost of upgrading and purchasing computer equipment for the supreme judicial court and appeals court of the commonwealth .....	\$6,157,813
0320-0010	For the operation of the clerk's office of the supreme judicial court for Suffolk county; provided, that no more than \$1,060,765 shall be expended for the expenses of the Board of Bar Examiners .....	\$1,978,546
0321-0001	For the operation of the commission on judicial conduct .....	\$384,748

*Committee for Public Counsel Services.*

0321-1500	For the operation of the committee for public counsel services as authorized by chapter 211D of the General Laws.....	\$15,225,009
0321-1510	For compensation paid to private counsel assigned to criminal and civil cases under subsection (b) of section 6 of chapter 211D of the General Laws, pursuant to section 12 of said chapter 211D; provided, that not more than \$1,000,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2004; and provided further, that the rates of compensation paid for private counsel services from this item shall be the same as the rates paid in fiscal year 2003 .....	\$72,381,494
0321-1518	The chief counsel for the committee for public services may expend an amount not to exceed \$250,000 from revenues collected from fees charged for attorney representation of indigent clients; provided however, that said revenues credited to this account shall only be those revenues in excess of the amounts for said fees collected in fiscal year 2003 as calculated on a monthly basis; provided further, that the comptroller shall certify to the chief counsel at the end of each month the amount available for expenditure from this line item.....	\$250,000
0321-1520	For fees and costs as defined in section 27A of chapter 261 of the General Laws, as ordered by a justice of the appeals court or a justice of a department of the trial court of the commonwealth on behalf of indigent persons, as defined in said section 27A of said chapter 261; provided, that not more than \$500,000 of the sum appropriated in this item may be expended for services rendered before fiscal year 2004 .....	\$8,810,000
0321-1600	For the Massachusetts Legal Assistance Corporation to provide legal representation for indigent or otherwise disadvantaged residents of the commonwealth; provided, that notwithstanding provisions of section 9 of chapter 221A of the General Laws that \$1,190,129 shall be expended for the disability benefits project, \$544,286 shall be expended for the Medicare advocacy project, and \$2,490,993 shall be expended for the battered women's legal assistance project; provided further, that said corporation shall submit a report to the house and senate committees on ways and means not later than January 30, 2004 that shall include, but not be limited to the following: (a) the number of persons said programs assisted in the prior fiscal year; (b) any proposed expansion of legal services delineated by type of service, target population, and cost; (c) the total number of indigent or otherwise disadvantaged residents of the commonwealth who received services by said corporation, by type of case and geographic location; and provided further, that said corporation may contract with any organization for the purpose of providing such representation .....	\$7,564,142
0321-2000	For the operation of the mental health legal advisors committee and for certain programs for the indigent mentally ill, as provided in section 34E of chapter 221 of the General Laws .....	\$501,085
0321-2100	For the Massachusetts correctional legal services committee .....	\$500,000
0321-2205	For the expenses of the social law library located in Suffolk county.....	\$1,704,671

*Appeals Court.*

0322-0100	For the appeals court, including the salaries, traveling allowances and expenses of the chief justice, recall judges and the associate justices, and the expenses of the conference program .....	\$9,236,289
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## Trial Court.

0330-0101	For the salaries of the justices of the superior court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer .....	\$9,290,337
0330-0102	For the salaries of the justices of the district court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer .....	\$18,001,737
0330-0103	For the salaries of the justices of the probate and family court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer .....	\$5,777,640
0330-0104	For the salaries of the justices of the land court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer .....	\$710,961
0330-0105	For the salaries of the justices of the Boston municipal court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer .....	\$3,390,891
0330-0106	For the salaries of the justices of the housing court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer .....	\$1,085,172
0330-0107	For the salaries of the justices of the juvenile court department of the trial court; provided, that the chief justice for administration and management shall provide written notification to the house and senate committees on ways and means of any transfers of funds from this item to any other item of appropriation within 30 days of such transfer .....	\$4,628,850
0330-0300	For the central administration of the trial court, including costs associated with trial court non-employee services, trial court dental and vision health plan agreement, jury expenses, trial court law libraries, county courthouse leases, statewide telecommunications, private and municipal court rental and leases, operation of courthouse facilities, witness fees, printing expenses, equipment maintenance and repairs, court interpreter program, and insurance and chargeback costs; provided, that funds may be expended for the judicial training institute, <del>including the Flachner Judicial Institute</del> , provided further, that notwithstanding the provisions of section 9A of chapter 30, or any general or special law to the contrary, the rights afforded to a veteran, pursuant to said section 9A of said chapter 30, shall also be afforded to any veteran, as so defined, who holds a trial court office or position in the service of the commonwealth not classified under chapter 31, other than an elective office, an appointive office for a fixed term or an office or position under section 7 of chapter 30, and who (1) has held such office or position for not less than one year and (2) has 30 years of total creditable service to the commonwealth, as such service is defined in chapter 32; provided further, that the trial court shall submit a report to the victim and witness assistance board detailing the amount of assessments imposed within each court by a justice or clerk-magistrate during the previous calendar year pursuant to section 8 of chapter 258B of the General Laws; provided further, that said report shall include, but not be limited to, the number of cases in which said assessment was reduced or waived by a judge or clerk-magistrate within said courts; and provided further, that said report shall be submitted to the victim and witness assistance board on or before January 15, 2004 .....	\$103,312,167
0330-0317	For the operation and expenses of the Massachusetts sentencing commission, pursuant to chapter 211E of the General Laws .....	\$232,756
0330-0441	For permanency mediation services in the probate and juvenile courts .....	\$476,598
0330-3200	For the court security program, including personnel and expenses; provided, that security guards and court officers may be available for assignment in accordance with juvenile court expansion funded pursuant to item 0337-0003; provided further, that all other per diem court officers shall be paid the daily rate in accordance with collective bargaining agreements; and provided further, that the chief justice for administration and management shall submit a report to the house and senate committees on ways and means not later than January 30, 2004,	

provide further, that the Chief Justice for Administration and Management of the Trial Court shall make a report to the General Court relative to the annual cost of maintaining the court system's electronic equipment and systems and identify means to reduce such costs; provided further that said report shall include, but not be limited to the following: an analysis of current equipment maintenance service contracts, a review of alternative equipment maintenance programs which, if implemented, would result in cost savings, better management of the equipment repair process, and enhanced equipment protection; provided further that in preparing said report the Chief Justice for Administration and Management may utilize the services of appropriate third parties knowledgeable in equipment service contracts; provided further that the Chief Justice for Administration and Management shall file said report with the House and Senate Committees on Ways and Means within 90 days of the effective date of this act.

**House Ways and Means Committee**

	detailing the number of court officers and security personnel located in each trial court of the commonwealth .....	\$47,393,774
0330-3333	The chief justice for administration and management may expend an amount not to exceed \$22,000,000 from fees charged and collected pursuant to section 3 of chapter 90C, chapter 185, section 22 of chapter 218 and sections 2, 4A, 4C and 40 of chapter 262 of the general laws, as said chapters and sections are amended by this act; provided, that said chief justice shall only expend or allocate funds from this item to the seven departments of the trial court for the operation of said departments; provided further, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 60 days prior to said expenditures or allocations; provided further, that the only revenue available for expenditure in this item for fiscal year 2004 shall be revenue collected from the increase in said fees in excess of the amount collected and deposited into the general fund in fiscal year 2003 from said fees; and provided further that no such allocation shall occur until said schedules have been approved by said committees; provided further, that said fees shall continue to be transmitted to the treasurer for deposit into the general fund prior to the expenditure authorized by this item; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, said chief justice may incur expenses and the comptroller shall certify for payments amounts not to exceed the lower of one half of this authorization or the most recent revenue estimate therefore as reported in the state accounting system.....	\$22,000,000
0330-3334	The chief justice for administration and management may expend an amount not to exceed \$18,000,000 from fees charged and collected pursuant to section 87A of chapter 276 of the general laws, as said section is amended by this act; provided, that said chief justice shall only expend or allocate funds from this item to the district court department of the trial court for the operation of said department; provided further, that any expenditures or allocations shall be made in accordance with schedules submitted to the house and senate committees on ways and means 60 days prior to said expenditures or allocations; provided however, that said chief justice shall allocate or expend said funds authorized herein in a manner that accounts for the individual district court's compliance with section 13 of chapter 300 of the acts of 2002; and provided further, that said fees shall continue to be transmitted to the treasurer for deposit into the general fund prior to the expenditure authorized by this item.....	\$18,000,000
<i>Superior Court Department.</i>		
0331-0100	For the administrative office of the superior court department .....	\$6,332,419
0331-0300	For medical malpractice tribunals established in accordance with the provisions of section 60B of chapter 231 of the General Laws .....	\$62,453
0331-2100	For the Barnstable superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$516,928
0331-2200	For the Berkshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$204,246
0331-2300	For the Bristol superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$870,309
0331-2400	For the Dukes superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$162,674
0331-2500	For the Essex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,467,463
0331-2600	For the Franklin superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$303,779
0331-2700	For the Hampden superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,305,612
0331-2800	For the Hampshire superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$314,436

***Fiscal Year 2004 Budget Recommendations***

0331-2900	For the Middlesex superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$3,275,910
0331-3000	For the Nantucket superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$137,085
0331-3100	For the Norfolk superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,202,580
0331-3200	For the Plymouth superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,102,458
0331-3300	For the Suffolk superior civil court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$3,014,240
0331-3400	For the Suffolk superior criminal court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,966,977
0331-3404	For an education and community outreach pilot program to be administered in the Suffolk superior criminal court .....	\$188,340
0331-3500	For the Worcester superior court; provided, that the clerk of the court shall have responsibility for the internal administration of his office, including personnel, staff services and record keeping .....	\$1,085,143
<i>District Court Department.</i>		
0332-0100	For the administrative office of the district court department, including a civil conciliation program .....	\$806,510
0332-1100	For the first district court of Barnstable .....	\$554,783
0332-1200	For the second district court of Barnstable at Orleans .....	\$398,695
0332-1203	For the third district court of Barnstable at Falmouth .....	\$398,334
0332-1300	For the district court of northern Berkshire at Adams, North Adams and Williamstown .....	\$259,085
0332-1400	For the district court of central Berkshire at Pittsfield .....	\$436,271
0332-1500	For the district court of southern Berkshire at Great Barrington and Lee .....	\$241,297
0332-1600	For the first district court of Bristol at Taunton .....	\$734,344
0332-1700	For the second district court of Bristol at Fall River .....	\$910,908
0332-1800	For the third district court of Bristol at New Bedford .....	\$983,785
0332-1900	For the fourth district court of Bristol at Attleboro .....	\$606,889
0332-2000	For the district court of Edgartown .....	\$175,709
0332-2100	For the first district court of Essex at Salem .....	\$726,590
0332-2300	For the third district court of Essex at Ipswich .....	\$205,793
0332-2400	For the central district court of northern Essex at Haverhill .....	\$618,370
0332-2500	For the district court of eastern Essex at Gloucester .....	\$310,328
0332-2600	For the district court of Lawrence .....	\$1,138,511
0332-2700	For the district court of southern Essex at Lynn .....	\$838,435
0332-2800	For the district court of Newburyport .....	\$511,059

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0332-2900	For the district court of Peabody .....	\$521,964
0332-3000	For the district court of Greenfield .....	\$355,506
0332-3100	For the district court of Orange .....	\$292,178
0332-3200	For the district court of Chicopee .....	\$404,816
0332-3300	For the district court of Holyoke .....	\$455,652
0332-3400	For the district court of eastern Hampden at Palmer .....	\$313,492
0332-3500	For the district court of Springfield .....	\$1,753,173
0332-3600	For the district court of western Hampden at Westfield .....	\$299,260
0332-3700	For the district court of Hampshire at Northampton .....	\$643,515
0332-3800	For the district court of eastern Hampshire at Ware .....	\$172,190
0332-3900	For the district court of Lowell .....	\$1,242,949
0332-4000	For the district court of Somerville .....	\$820,770
0332-4100	For the district court of Newton .....	\$380,957
0332-4200	For the district court of Marlborough .....	\$308,644
0332-4300	For the district court of Natick .....	\$430,001
0332-4400	For the first district court of eastern Middlesex at Malden .....	\$597,253
0332-4500	For the second district court of eastern Middlesex at Waltham .....	\$507,274
0332-4600	For the third district court of eastern Middlesex at Cambridge .....	\$1,271,717
0332-4700	For the fourth district court of eastern Middlesex at Woburn .....	\$701,866
0332-4800	For the first district court of northern Middlesex at Ayer .....	\$383,145
0332-4900	For the first district court of southern Middlesex at Framingham .....	\$804,714
0332-5000	For the district court of central Middlesex at Concord .....	\$404,430
0332-5100	For the district court of Nantucket .....	\$125,099
0332-5200	For the district court of northern Norfolk at Dedham .....	\$571,498
0332-5300	For the district court of East Norfolk at Quincy .....	\$1,627,696
0332-5400	For the district court of western Norfolk at Wrentham .....	\$485,300
0332-5500	For the district court of southern Norfolk at Stoughton .....	\$628,567
0332-5600	For the municipal court of Brookline .....	\$358,946
0332-5700	For the district court of Brockton .....	\$1,158,064
0332-5800	For the second district court of Plymouth at Hingham .....	\$658,316
0332-5900	For the third district court of Plymouth at Plymouth .....	\$817,643
0332-6000	For the fourth district court of Plymouth at Wareham .....	\$689,219
0332-6300	For the district court of Chelsea; provided, that notwithstanding the provisions of any general or special law to the contrary, said district court shall be the permanent location for the northern trial session to handle six person jury cases; provided further, that all personnel within said district court whose duties relate to said northern trial session shall report to the clerk magistrate of said district court; and provided further, that the clerk magistrate shall utilize	

	whatever space within the facility at-large he deems necessary to comply with S.J.C. Rule 3:12, Canon 3(A)6 .....	\$835,922
0332-6900	For the central district court of Worcester .....	\$1,588,210
0332-7000	For the district court of Fitchburg .....	\$522,257
0332-7100	For the district court of Leominster .....	\$410,860
0332-7200	For the district court of Winchendon .....	\$143,278
0332-7300	For the first district court of northern Worcester at Gardner .....	\$365,475
0332-7400	For the first district court of eastern Worcester at Westborough .....	\$415,090
0332-7500	For the second district court of eastern Worcester at Clinton .....	\$267,393
0332-7600	For the district court of southern Worcester at Dudley .....	\$493,960
0332-7700	For the second district court of southern Worcester at Uxbridge .....	\$328,890
0332-7800	For the third district court of southern Worcester at Milford .....	\$314,491
0332-7900	For the district court of western Worcester at East Brookfield .....	\$328,676
<i>Probate and Family Court Department.</i>		
0333-0002	For the administrative office of the probate and family court department; provided, that the case manager shall meet monthly with the department of social services and shall report quarterly to the house and senate committees on ways and means on the backlog of cases in the probate court and the parties' progress made in such backlog each month .....	\$1,357,428
0333-0100	For the Barnstable probate court .....	\$965,921
0333-0150	For the operation of a child and parents program in the Barnstable probate court; provided, that this item shall not be subject to paragraphs (a) and (b) of clause (xxiii) of the third paragraph of section 9 of chapter 211B of the General Laws .....	\$83,689
0333-0200	For the Berkshire probate court .....	\$535,056
0333-0300	For the Bristol probate court .....	\$1,681,181
0333-0400	For the Dukes probate court .....	\$126,966
0333-0500	For the Essex probate court .....	\$1,354,823
0333-0600	For the Franklin probate court .....	\$539,376
0333-0700	For the Hampden probate court .....	\$2,011,996
0333-0711	For the operation of the Berkshire, Franklin, Hampden and Hampshire family court clinic to be administratively located in the city of Springfield and to serve the Berkshire, Franklin, Hampden and Hampshire divisions of the probate court .....	\$41,845
0333-0800	For the Hampshire probate court .....	\$669,698
0333-0900	For the Middlesex probate court .....	\$3,347,903
0333-0911	For the Middlesex probate court family services clinic .....	\$203,984
0333-1000	For the Nantucket probate court .....	\$182,236
0333-1100	For the Norfolk probate court .....	\$1,414,959
0333-1111	For the Norfolk probate court family services clinic.....	\$89,693
0333-1200	For the Plymouth probate court .....	\$1,410,719
0333-1300	For the Suffolk probate court .....	\$2,325,071

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0337-0003	For the personnel and expenses associated with expansion of the juvenile court, including Middlesex and Norfolk counties.....	\$1,972,925
0337-0100	For the Suffolk county juvenile courts.....	\$1,301,578
0337-0200	For the Bristol juvenile court.....	\$1,290,069
0337-0300	For the Hampden county juvenile courts.....	\$1,200,538
0337-0400	For the Worcester county juvenile courts.....	\$1,065,309
0337-0500	For the Barnstable county juvenile court; including the Barnstable county juvenile court located in the town of Plymouth.....	\$765,820
0337-0600	For the Essex county juvenile courts.....	\$1,131,906
0337-0700	For the Hampshire and Franklin counties juvenile courts.....	\$621,336
0337-0800	For the Plymouth county juvenile courts.....	\$758,233
0337-0900	For the Berkshire county juvenile courts.....	\$465,969



## House Ways and Means Committee

0333-1313	For the Suffolk probate community access program of community outreach and education; provided, that said program shall be targeted at low income persons who experience educational and language barriers to court access; and provided further, that said program shall be administered by the register of probate of Suffolk county .....	\$199,014
0333-1400	For the Worcester probate court .....	\$1,746,152
0333-1411	For the Worcester probate court family services clinic .....	\$178,296

### Land Court Department.

0334-0001	For the operation of the land court; provided, that funds shall be expended for additional operating and personnel expenses .....	\$2,474,471
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### Boston Municipal Court Department.

0335-0001	For the central division of the Boston municipal court department including the administrative cost of said court department .....	\$3,405,899
0335-0100	For the Brighton division of the Boston municipal court department .....	\$348,724
0335-0200	For the Charlestown division of the Boston municipal court department .....	\$248,755
0335-0300	For the Dorchester division of the Boston municipal court department .....	\$1,229,061
0335-0400	For the East Boston division of the Boston municipal court department .....	\$623,071
0335-0500	For the Roxbury division of the Boston municipal court department .....	\$1,194,051
0335-0600	For the South Boston division of the Boston municipal court department .....	\$435,634
0335-0700	For the West Roxbury division of the Boston municipal court department .....	\$783,790

### Housing Court Department.

0336-0002	For the administrative office of the housing court department .....	\$99,534
0336-0100	For the Boston housing court .....	\$900,327
0336-0200	For the western division of the housing court .....	\$667,619
0336-0300	For the Worcester county housing court .....	\$670,377
0336-0400	For the southeastern division of the housing court .....	\$1,172,137
0336-0500	For the northeastern division of the housing court .....	\$627,995

### Juvenile Court Department.

0337-0002	For the administrative office of the juvenile court department .....	\$933,148
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~~0337-0003 For the personnel and expenses associated with the expansion of the juvenile court including Berkshire, Essex, Hampshire, Franklin, Hampden, Middlesex, Norfolk, Plymouth, Suffolk, Worcester and Nantucket/Dukes counties .....~~

~~0337-0400 For the Boston juvenile court .....~~

~~0007-0200 For the Bristol juvenile court .....~~

~~0337-0300 For the Springfield juvenile court .....~~

~~0007-0400 For the Worcester juvenile court .....~~

~~0007-0500 For the Barnstable county juvenile court located in the town of Plymouth .....~~

### Office of the Commissioner of Probation.

0339-1001	For the office of the commissioner of probation; provided, that notwithstanding the provisions of	
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	any general or special law, rule or regulation to the contrary, said commissioner, subject to appropriation, shall have exclusive authority to appoint, dismiss, assign and discipline probation officers, associate probation officers, probation officers-in-charge, assistant chief probation officers and chief probation officers; provided further, that said associate probation officers shall only perform in-court functions and shall assume the in-court duties of the currently employed probation officers who shall be reassigned within the probation service subject to collective bargaining agreements to perform intensive, community-based supervision of probationers, including the provisions of intensive supervision and community restraint services as described in item 0339-1004 of this act; and provided further, that notwithstanding the provisions of any general or special law, rule or regulation to the contrary, probation officer personnel and probation clerical support staff assigned to the courts shall be provided with suitable office space in their current location in and around the various divisions and departments of the trial court, as the case may be, or in suitable office space as appropriate, with the advice and consent of the commissioner .....	\$105,861,116
0339-1003	For the operation of the trial court office of community corrections, including the costs of personnel .....	\$3,852,505
0339-1004	For the cost of intensive supervision and community corrections programs; provided, that said programs shall include, but not be limited to, tracking, community service, educational assistance, drug and alcohol testing and treatment, curfew enforcement, home confinement, day reporting, means-tested fines, restitution, and community incapacitation or restraint; provided further, that the number of placements in said programs shall not exceed a daily average goal of 5,000 intensively-supervised probationers; provided further, that funds from this item shall be expended to cover the costs of said programs that are undertaken and administered by court probation offices and county sheriffs' offices; provided further, that said funds shall be expended for the purpose of providing said programs in Barnstable, Berkshire, Bristol, Dukes, Essex, Franklin, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester counties in fiscal year 2004; provided further, that the executive director of the office of community corrections of the trial court shall enter into interagency service agreements and memoranda of understanding with said probation offices and sheriffs' offices for the provision of said programs, including the contracting for detention space for probationers arrested for violating probation and awaiting court action and detention space for probationers who have been ordered by the trial court to be supervised at a higher level of restraint; provided further, that said agreements and memoranda shall be entered into at the direction of said executive director; provided further, that said executive director shall submit a spending and management plan for said programs to the house and senate committees on ways and means not later than January 30, 2004; and provided further, that said plan shall include the projected number of probationers to be served by each such program and include a description of the oversight and services provided to said probationers .....	\$10,709,511
<i>Office of the Jury Commissioner.</i>		
0339-2100	For the office of jury commissioner in accordance with chapter 234A of the General Laws; provided, that said office shall be located at the Charlestown division of the Boston municipal court .....	\$2,059,662
<i>Suffolk District Attorney.</i>		
0340-0100	For the Suffolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, the domestic violence unit and the children's advocacy center; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2003 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 .....	\$13,079,260
<i>Middlesex District Attorney.</i>		
0340-0200	For the Middlesex district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2003 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 .....	\$10,499,483

House Ways and Means Committee

*Essex District Attorney.*

0340-0300 For the Essex district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2003 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 .....\$6,363,177

*Worcester District Attorney.*

0340-0400 For the Worcester district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2003 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 .....\$6,773,463

0340-0410 For the analyses of narcotic drug synthetic substitutes, poisons, drugs, medicines and chemicals at the University of Massachusetts medical school in order to support the law enforcement efforts of the district attorneys, the state police and municipal police departments .....\$300,000

*Hampden District Attorney.*

0340-0500 For the Hampden district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2003 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 .....\$5,861,138

*Hampshire/Franklin District Attorney.*

0340-0600 For the Hampshire/Franklin district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2003 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 .....\$4,120,908

*Norfolk District Attorney.*

0340-0700 For the Norfolk district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2003 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 .....\$6,833,969

*Plymouth District Attorney.*

0340-0800 For the Plymouth district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that no assistant district attorney shall be paid an annual salary of less than \$35,000; provided further, that the Plymouth county district attorney's office shall employ a special assistant district attorney to specialize in the investigation and prosecution of alleged criminal offenses committed by inmates in state correctional facilities, county and state houses of corrections, and jails; provided further, that interagency service agreements shall be

provided further, that \$75,000 may be expended for financial criminal investigations

established between the Plymouth county district attorney's office and the office of the district attorneys for Bristol, and the Cape and Islands to equally share the compensation and related expenses of said special assistant; provided further, that said special assistant shall practice only in those jurisdictions participating in said interagency service agreement; and provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein .....\$5,391,403

*Bristol District Attorney.*

0340-0900 For the Bristol district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided, that the office shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 summarizing the number and types of criminal cases managed or prosecuted by the office in calendar year 2003 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which the cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 .....\$5,818,947

*Cape and Islands District Attorney.*

0340-1000 For the Cape and Islands district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program and the domestic violence unit; provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 .....\$2,611,949

*Berkshire District Attorney.*

0340-1100 For the Berkshire district attorney's office, including the victim and witness assistance program, the child abuse and sexual assault prosecution program, and the domestic violence unit; provided, that said office shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 summarizing the number and types of criminal cases managed or prosecuted by said office in calendar year 2003 and the disposition or status thereof which shall be delineated by each jurisdiction of the district, juvenile, probate or superior court in which said cases were managed or prosecuted; and provided further, that no assistant district attorney shall be paid an annual salary of less than \$35,000 .....\$2,426,106

*District Attorneys Association.*

0340-2100 For the operation of the Massachusetts District Attorneys' Association, including the implementation and related expenses of the district attorneys' office automation and case management and tracking system; provided, that expenses associated with the system may be charged directly to this item; provided further, that the 11 district attorneys of the commonwealth may contribute a portion of their fiscal year 2004 appropriation to the Massachusetts District Attorneys' Association in order to alleviate the cost of the case management and tracking system as well as the cost of data lines associated with the district attorney's computer network; provided further, that each district attorney shall submit a report to the Massachusetts District Attorneys' Association and the house and senate committees on ways and means delineating all funds expended for the purpose of implementing the case management and tracking system not later than February 15, 2004; provided further, that the report shall include, but not be limited to, an analysis of the total cost of the district attorneys' computer network, the total cost incurred by each district attorney's office, a detailed list of all hardware and software leased, owned or operated by each district attorney, a plan for any purchases to be made in the remainder of fiscal year 2004 and a detailed summary of any policies implemented to contain the costs of the network by either the Massachusetts District Attorneys Association or the individual district attorneys' offices; provided further, that no expenditures shall be made, on or after the effective date of this act, which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item; and provided further, that the said association shall submit a report to the house and senate committees on ways and means not later than January 31, 2004 detailing, by district attorney office, all sources of revenue, including, but not limited to, federal and state grants that were received in fiscal year 2003, and the amount of each source of revenue .....\$1,344,906

0340-2101 For the overtime costs of state police officers assigned to the district attorneys; provided, that no such costs associated with said officers shall be funded from item 8100-0007; provided further, that not less than \$261,479 shall be expended at the direction of the district attorney for the Suffolk district; provided further, that not less than \$366,410 shall be expended at the direction of the district attorney for the Middlesex district; provided further, that not less than \$348,894 shall be expended at the direction of the district attorney for the Essex district;

and provided further, that \$20,000 may be expended for the Cape and Islands Child Advocacy Center

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provided further, that not less than \$281,208 shall be expended at the direction of the district attorney for the Worcester district; provided further, that not less than \$219,703 shall be expended at the direction of the district attorney for the Hampden district; provided further, that not less than \$127,953 shall be expended at the direction of the district attorney for the Franklin/Hampshire district; provided further, that not less than \$318,672 shall be expended at the direction of the district attorney for the Norfolk district; provided further, that not less than \$242,316 shall be expended at the direction of the district attorney for the Plymouth district; provided further, that not less than \$229,498 shall be expended at the direction of the district attorney for the Bristol district; provided further, that not less than \$187,750 shall be expended at the direction of the district attorney for the Cape and Islands district; provided further, that not less than \$70,603 shall be expended at the direction of the district attorney for the Berkshire district; and provided further, that no expenditures shall be made on or after the effective date of this act which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated herein ..... \$3,079,377

Highway Fund ..... 88.20%  
General Fund ..... 12.80%

0340-8908 For the costs associated with maintaining the association's wide area network ..... \$1,285,000

### EXECUTIVE.

0411-1000 For the offices of the governor, the lieutenant governor, the governor's council, and the governor's commission on mental retardation; provided, that the amount appropriated in this item may be used at the discretion of the governor for the payment of extraordinary expenses not otherwise provided for and for transfer to appropriation accounts where the amounts otherwise available may be insufficient ..... \$5,432,067

1599-0410 For a reserve for the executive office of commonwealth development; provided, that no funds appropriated herein shall be expended until the following conditions have been met: (a) there has been a public hearing on the creation of said executive office, (b) a plan, including the legislation necessary to effectuate the changes to create said executive office, has been filed with the clerks of the house and senate, and (c) legislation creating said executive office has been engrossed the general court and signed into law by the Governor..... \$250,000

1599-0411 For a reserve for the executive office of education; provided, that no funds appropriated herein shall be expended until (a) there has been a public hearing on the creation of said executive office, (b) a plan, including the legislation necessary to effectuate the changes to create said executive office, has been filed with the clerks of the house and senate, and (c) legislation creating said executive office has been engrossed the general court and signed into law by the Governor..... \$250,000

### SECRETARY OF THE COMMONWEALTH.

0511-0000 For the operation of the office of the secretary; provided, that said office shall submit a report detailing staffing patterns for each program operated by said office; provided further, that said report shall include, but not be limited to, actual and functional job titles by program, compensation rates and lengths of service for each employee; provided further, that said office shall submit said report not later than January 31, 2004 to the house and senate committees on ways and means; and provided further, that the secretary may transfer funds between items 0540-0900, 0540-1000, 0540-1100, 0540-1200, 0540-1300, 0540-1400, 0540-1500, 0540-1600, 0540-1700, 0540-1800, 0540-1900, 0540-2000, 0540-2100 pursuant to an allocation schedule filed with the house and senate committees on ways and means not less than 30 days prior to any such transfer ..... \$6,628,293

0511-0001 The state secretary is hereby authorized to expend revenues not to exceed \$30,000 from the sale of merchandise at the Massachusetts state house gift shop for the purpose of replenishing and restocking gift shop inventory ..... \$30,000

0511-0108 The state secretary acting on behalf of the commonwealth may sell, transfer or license the Division of Corporations' software and related documents pertaining to its web based searching and filing applications, including uniform commercial code software, developed by the department of the secretary and copyrighted by it to other states, multi-state or regional associations or other sovereign governments on such terms or conditions as in his sole discretion reasonably compensates the commonwealth for its interests; provided, that the secretary may retain and expend revenues collected from such sales, licensure or user agreements in an amount not to exceed 10 per cent or \$275,000 whichever is greater for technical activities of the corporations division the remainder to be deposited in the General Fund; provided further, that the secretary may also provide web hosting, and on-going support

	and maintenance to other states, provinces or territories of Canada relative to their UCC and corporate applications; and provided further, that the department of the state secretary may accept credit and debit cards from individuals and corporations filing documents with the department .....	\$275,000
0511-0200	For the operation of the state archives division .....	\$530,450
0511-0230	For the operation of the records center .....	\$155,985
0511-0250	For the operation of the archives facility .....	\$416,804
0511-0260	For the operation of the commonwealth museum .....	\$187,390
0511-0420	For the operation of the address confidentiality program .....	\$108,662
0517-0000	For the printing of public documents .....	\$850,107
0521-0000	For the operation of the elections division, including preparation, printing and distribution of ballots and for other miscellaneous expenses for primary and other elections; provided, that the secretary of state may award grants for voter registration and education in the cities of Boston, Springfield and Worcester; provided further, that such registration and education activities may be conducted by community-based voter registration and education organizations; and provided further, that said secretary shall submit a report to the house and senate committees on ways and means not later than January 31, 2004 detailing the amount appropriated for the purposes of providing reimbursements for the costs of extended polling hours from this item to each city or town .....	\$3,377,146
0521-0001	For the operation of the central voter registration computer system; provided, that a report detailing the status, remaining costs and further implementation requirements of the central voter registration system shall be submitted to the house and senate committees on ways and means not later than January 31, 2004; and provided further, that an annual report detailing voter registration activity shall be submitted to the house and senate committees on ways and means on or before January 31, 2004 .....	\$4,254,237
0524-0000	For providing information to voters .....	\$593,025
0526-0100	For the operation of the Massachusetts historical commission; provided, that funds may be expended for the Essex National Heritage Commission archives .....	\$792,856
0527-0100	For the operation of the ballot law commission .....	\$16,286
0528-0100	For the operation of the records conservation board .....	\$30,740
0540-0900	For the registry of deeds located in Lawrence in the former county of Essex .....	\$744,292
0540-1000	For the registry of deeds located in Salem in the former county of Essex. ....	\$2,188,103
0540-1100	For the registry of deeds in the former county of Franklin .....	\$495,444
0540-1200	For the registry of deeds in the former county of Hampden .....	\$2,016,837
0540-1300	For the registry of deeds in the former county of Hampshire .....	\$527,234
0540-1400	For the registry of deeds located in Lowell in the former county of Middlesex .....	\$1,232,274
0540-1500	For the registry of deeds located in Cambridge in the former county of Middlesex .....	\$3,290,986
0540-1600	For the registry of deeds located in Adams in the former county of Berkshire .....	\$289,748
0540-1700	For the registry of deeds located in Pittsfield in the former county of Berkshire .....	\$450,614
0540-1800	For the registry of deeds located in Great Barrington in the former county of Berkshire .....	\$204,051
0540-1900	For the registry of deeds in the former county of Suffolk .....	\$2,007,223
0540-2000	For the registry of deeds located in Fitchburg in the former county of Worcester .....	\$507,349
0540-2100	For the registry of deeds located in the city of Worcester in the former county of Worcester .....	\$1,947,832

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0611-5500

For additional assistance to cities and towns to be distributed according to section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that the distribution to the public entities shall equal \$1,249,948; [REDACTED]

[REDACTED] and provided further, that if there is a conflict between the provisions of the distribution set forth in section 3 and any other provisions of this act, the distribution set forth in section 3 shall control..... \$379,767,936

0611-5510

For reimbursements to cities and towns in lieu of taxes on state-owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws; provided, that the department of revenue shall submit to the house and senate committees on ways and means a report detailing the calculation of the amounts allocated pursuant to this item; and [REDACTED]

.....\$8,000,000

## TREASURER AND RECEIVER-GENERAL.

## Office of the Treasurer and Receiver-General.

0610-0000

For the office of the treasurer and receiver-general; provided, that the treasurer shall provide computer services required by the teachers' retirement board; provided further, that to the extent that bank fees, so-called, exceed the amount appropriated in item 0610-0100, the treasurer may, subject to an allocation plan filed in advance with the house and senate committees on ways and means, transfer from this item to said item 0610-0100, an amount sufficient to ensure full payment of the bank fees; provided further, that the treasurer's office shall submit a report to the victim and witness assistance board which details the amount of assessments transmitted to the treasurer during the previous calendar year on a monthly basis from the courts, the registrar of motor vehicles and the sheriff or superintendent of any correctional facility pursuant to section 8 of chapter 258B; and provided further, that said report shall be submitted to said board on or before January 31, 2004 ..... \$7,054,378

General Fund ..... 90.00%  
Highway Fund ..... 10.00%

0610-0100

For the payment of bank fees; provided, that the treasurer may transfer funds from this item to item 0610-0000 for one-time, non-recurring expenditures upon certification to the secretary of administration and finance that the remaining balance in this account will be sufficient to make all necessary expenditures ..... \$4,453,880

General Fund ..... 90.00%  
Highway Fund ..... 10.00%

0610-1500

For tuition payments as required by section 12B of chapter 76 of the General Laws, notwithstanding chapter 29 of the General Laws to the contrary; provided, that the state treasurer may expend in anticipation of revenue amounts necessary to meet payments; and provided further, that the state treasurer shall deduct the amount expended from this account from items 7061-0008 and 0611-5500 and from the amounts specified in section 3, in accordance with said section 12B of said chapter 76.

0611-1000

For bonus payments to war veterans ..... \$17,500

0611-5500

For additional assistance to cities and towns to be distributed according to section 3 and for assistance to certain public entities of the commonwealth which have constructed water pollution abatement facilities; provided, that the distribution to the public entities shall equal

~~..... \$8,000,000~~

0611-5510

~~For reimbursements to cities and towns in lieu of taxes on state owned land pursuant to sections 13 to 17, inclusive, of chapter 58 of the General Laws ..... \$8,000,000~~

## Pension Benefits.

0612-0105

For payment of the public safety employee killed in line of duty benefit authorized by section 100A of chapter 32 of the General Laws ..... \$500,000

0612-2000

For retirement benefits authorized pursuant to chapters 712 and 721 of the acts of 1981, chapter 154 of the acts of 1983, chapter 67 of the acts of 1988, and chapter 621 of the acts of 1989, for the compensation of veterans who may be retired by the state board of retirement, including individuals formerly in the service of the division of employment security whose compensation for such service was paid in full from a grant from the federal government and for the cost of medical examinations in connection therewith, for pensions of retired judges or their widows or widowers, for retirement allowances of certain employees formerly in the service of the administrative division of the metropolitan district commission, for retirement allowances of certain veterans and police officers formerly in the service of the metropolitan district commission, for retirement allowances of certain veterans formerly in the service of the metropolitan sewerage district, for retirement allowances of certain veterans formerly in the service of the metropolitan water system and for annuities for widows or widowers of certain former members of the uniformed branch of the state police ..... \$16,790,766

General Fund ..... 82.20%  
Highway Fund ..... 17.80%

## Commission on Firefighters' Relief.

0620-0000

For financial assistance to injured firefighters ..... \$9,808

0610-0050 For the administration of the alcoholic beverages control commission in its effort to regulate and control the conduct and condition of traffic in alcoholic beverages; provided further that said commission shall maintain at least one chief investigator and other investigators for the purpose of regulating and controlling the traffic of alcoholic beverages; provided further that said commission is authorized and directed to work and cooperate with the Alcohol, Tobacco, and Firearms division of the United States Department of Justice and other relevant federal agencies to assist in its effort to regulate and control the traffic of alcoholic beverages; and provided further that said commission is directed to seek out matching federal dollars and to apply for federal grants that may be available to assist in the enforcement of laws pertaining to the traffic of alcoholic beverages ..... \$1,766,478

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ITEMS 0611-5500  
AND 0611-5510 FROM  
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*Lottery Commission.*

0640-0000	For the operation of the state lottery commission and arts lottery; provided, that no funds shall be expended from this item for any costs associated with the promotion or advertising of lottery games; provided further, that positions funded by this item shall not be subject to chapters 30 and 31 of the General Laws; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund .....	\$64,522,388
0640-0005	For the costs associated with the continued implementation of the game of keno; provided, that any sums expended on promotional activities shall be limited to point of sale promotions and agent newsletters; and provided further, that 25 per cent of the amount appropriated in this item shall be transferred quarterly from the State Lottery Fund to the General Fund .....	\$1,233,347
0640-0010	For the promotional activities associated with the state lottery program .....	\$5,000,000
0640-0096	For the purpose of the commonwealth's fiscal year 2004 contributions to the health and welfare fund established pursuant to the collective-bargaining agreement between the lottery commission and the service employees international union, Local 254, AFL-CIO; provided, that the contributions shall be paid to the trust fund on such basis as the collective bargaining agreement provides; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund .....	\$302,640

*Massachusetts Cultural Council.*

0640-0300	For the services and operations of the council, including grants to or contracts with public and non-public entities; provided, that notwithstanding the provisions of any general or special law to the contrary, the council may expend the amounts herein appropriated for the purposes of the council as provided in sections 52 to 58, inclusive, of chapter 10 of the General Laws in amounts and at times as the council may determine pursuant to section 54 of said chapter 10; provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the Arts Lottery Fund to the General Fund; provided further, that any funds expended from this item for the benefit of schoolchildren shall be expended for the benefit of all Massachusetts schoolchildren and on the same terms and conditions; provided further, that the council shall not expend funds from this item for any grant or contract recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren; provided further, that not more than \$1,000,000 of the funds appropriated herein shall be used to assist cultural organizations in augmenting or initiating endowments to promote the financial stability of such organizations and the assistance shall be in the form of challenge grants to the organizations; provided further, that in order to receive a grant a cultural organization shall raise an amount at least equal to the amount of the grant for the organization's endowment; provided further, that funds provided by the grants shall, in perpetuity, be used solely to provide free or reduced rate public programs or services to citizens of the commonwealth; provided further, that no grant made under this program shall exceed \$100,000; and provided further, that persons employed under this item shall be considered employees within the meaning of section 1 of chapter 150E of the General Laws and shall be placed in the appropriate bargaining units .....	\$6,551,401
0640-0350	For the purposes of cultural resources pursuant to section 36 of chapter 69 of the General Laws including grants to or contracts with public and non-public entities; provided, that the council shall not expend funds from this item for any recipient that, in any program or activity for Massachusetts schoolchildren, does not apply the same terms and conditions to all such schoolchildren; and provided further, that 25 per cent of the amount appropriated herein shall be transferred quarterly from the State Lottery Fund to the General Fund .....	\$743,520

*Debt Service.*

0699-0015	For the payment of interest, discount and principal on certain bonded debt and the sale of bonds of the commonwealth, previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Parks District Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, the Watershed Management Fund, the Highway Fund, and the Inter-City Bus Fund; provided, that payments of certain serial bonds maturing previously charged to the Local Aid Fund, the State Recreation Areas Fund, the Metropolitan Water District Fund, the Metropolitan Sewerage District Fund, and the Highway Fund shall be paid from this item; provided further, that notwithstanding any general or special law to the contrary, the state treasurer may make payments pursuant to section 38C of chapter 29 of the General Laws from this item and item 0699-9100; provided further, that such payments shall pertain to the bonds, notes, or other obligations authorized to be paid from each item; provided further, that notwithstanding any general or special law to the contrary, the comptroller may transfer the amounts that would otherwise be unexpended on June 30, 2004, from this item to	
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	0699-9100 or from 0699-9100 to this item which would otherwise have insufficient amounts to meet debt service obligations for the fiscal year ending June 30, 2004; provided further, that each amount transferred shall be charged to the funds as specified in the line item to which the amount is transferred; provided further, that payments on bonds issued pursuant to section 20 of chapter 29 of the General Laws shall be paid from this item and shall be charged to the Infrastructure sub-fund of the Highway fund; provided further, that payments of interest, discount and principal on certain bonded debt of the commonwealth associated with the Watershed Management Fund for the acquisition of development rights and other interests in land, including fee simple acquisitions of watershed lands of the Quabbin and Wachusett reservoirs and the Ware river watershed above the Ware river intake pipe shall be paid from this item; provided further, that notwithstanding any general or special law to the contrary or other provisions of this item, the comptroller may charge the payments authorized herein to the appropriate budgetary or other fund subject to a plan which the comptroller shall file 10 days in advance with the house and senate committees on ways and means; and provided further, that the comptroller shall transfer from this item to the government land bank fund an amount equal to the amount by which debt service charged to said fund exceeds revenue deposited to said fund .....	\$1,433,350,000
	General Fund .....	68.07%
	Highway Fund .....	31.93%
0699-0017	For payment of interest on notes issued pursuant to Chapter 235 of the Acts of 1998 in anticipation of certain payments to be received from the Massachusetts Port Authority .....	\$6,299,000
	Highway Fund .....	100.00%
0699-2004	For the payment of interest, discount and principal on certain indebtedness which may be incurred for financing the central artery/third harbor tunnel funding shortfall .....	\$61,335,000
	Highway Fund .....	100.00%
0699-9100	For the payment of interest and issuance costs on bonds and bond and revenue anticipation notes and other notes pursuant to sections 47 and 49B of chapter 29 of the General Laws; provided, that the treasurer shall certify to the comptroller a schedule of the distribution of costs among the various funds of the commonwealth; provided further, that the comptroller shall charge costs to such funds in accordance with such schedule; and provided further, that any deficit in this item at the close of the fiscal year ending June 30, 2004 shall be charged to the various funds or to the General Fund or highway fund debt service reserves .....	\$20,950,000
0699-9101	For the purpose of depositing with the trustee under the trust agreement authorized in section 10B of chapter 11 of the acts of 1997, an amount to be used to pay the interest due on notes of the commonwealth issued pursuant to section 9 of said chapter 11 and secured by the Federal Highway Grant Anticipation Note Trust Fund...	\$74,698,000
0699-9200	For certain debt service contract assistance to the Massachusetts Development Finance Agency in accordance with chapter 23G of the General Laws .....	\$13,283,318

**STATE AUDITOR.**

*Office of the State Auditor.*

0710-0000	For the office of the state auditor, including the review and monitoring of privatization contracts in accordance with sections 52 to 55, inclusive, of chapter 7 of the General Laws and shared oversight of the central artery/third harbor tunnel project; provided, that a report shall be submitted to the house and senate committees on ways and means not later than December 1, 2003 delineating the privatization contracts reviewed and monitored during fiscal year 2003; provided further, that the report shall further detail the number of full-time equivalent positions assigned by the office for the review of each of the privatization contracts; and provided further, that the auditor shall conduct audits of the Chelsea soldiers home, the Holyoke soldiers home, and the New England Shelter for homeless veterans, and the results of the audits shall be reported to the house and senate committees on ways and means not later than February 1, 2004 .....	\$14,380,300
0710-0100	For the operation of the division of local mandates .....	\$585,103
0710-0200	For the operation of the bureau of special investigations; provided, that a report shall be submitted to the house and senate committees on ways and means no later than February 15, 2004, delineating the status of investigations, including the number of completed cases referred for prosecution or recoupment, and the amounts of identified fraud associated with	

said cases; and provided further, that said report shall delineate initiatives focused on fraud prevention and recommendations for systemic changes that prevent fraud.....\$1,300,000

## ATTORNEY GENERAL.

### Office of the Attorney General.

0810-0000	For the office of the attorney general, including the administration of the local consumer aid fund, the operation of the anti-trust division, all regional offices, a high-tech crime unit and the victim and witness compensation program; provided, that the victim and witness compensation program shall be administered in accordance with chapters 258B and 258C of the General Laws; provided further, that the attorney general shall submit to the general court and the secretary of administration and finance a report detailing the claims submitted to the state treasurer for payment under item 0810-0004 indicating both the number and costs for each category of claim; and provided further, that funds may be expended for the commission on uniform state laws .....	\$20,851,774
0810-0004	For compensation to victims of violent crimes; provided, that notwithstanding the provisions of chapter 258C of the General Laws, if a claimant is 60 years of age or older at the time of the crime and is not employed or receiving unemployment compensation, such claimant shall be eligible for compensation in accordance with said chapter 258C even if the claimant has suffered no out-of-pocket loss; provided further, that compensation to such claimant shall be limited to a maximum of \$50; and provided further, that notwithstanding the provisions of any general or special law to the contrary, victims of the crime of rape shall be notified of all available services designed to assist rape victims including, but not limited to, the provisions outlined in section 5 of chapter 258A of the General Laws .....	\$2,156,000
0810-0007	For the overtime costs of state police officers assigned to the attorney general; provided, that no such costs associated with said officers shall be funded from item 8100-0007; and provided further, that no expenditures shall be made on or after the effective date of this act which would cause the commonwealth's obligation for the purpose of this item to exceed the amount appropriated in this item .....	\$486,517
	Highway Fund .....	88.20%
	General Fund .....	11.80%
0810-0014	For the operation of the department of telecommunications and energy proceedings unit, pursuant to section 11E of chapter 12 of the General Laws; provided, that notwithstanding any general or special law to the contrary, the amount assessed to said unit shall be equal to the amount expended from this item .....	\$1,395,065
0810-0017	For the expenses related to judicial proceedings relevant to the fuel charge pursuant to section 94G of chapter 164 of the General Laws and such other proceedings as may be reasonably related to the section; provided, that the assessment levied for such expense shall be credited to the General Fund .....	\$73,500
0810-0021	For the operation of the Medicaid fraud control unit; provided, that the federal reimbursement for any expenditure from this item shall not be less than 75 per cent of such expenditure; provided further, that not less than \$225,000 shall continue to be used specifically for the investigation and prosecution of abuse, neglect, mistreatment and misappropriation based on referrals from the department of public health pursuant to section 72H of chapter 111 of the General Laws; provided further, that the unit shall provide training for all investigators of the department's division of health care quality responsible for such investigations on a periodic basis pursuant to a comprehensive training program to be developed by the division and the unit; and provided further, that training shall include instruction on techniques for improving the efficiency and quality of investigations of abuse, neglect, mistreatment and misappropriation pursuant to said section 72H.....	\$2,566,248
0810-0045	For the labor law enforcement program pursuant to subsection (b) of section 1 of chapter 23 of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, any non-management position funded by this item shall be deemed a job title in a collective bargaining unit as prescribed by the labor relations commission and shall be subject to the provisions of chapter 150E of the General Laws .....	\$3,043,422
0810-0201	For the costs incurred in administrative or judicial proceedings on insurance as authorized by section 11F of chapter 12 of the General Laws; provided, that funds made available in this item may be used to supplement the automobile insurance fraud unit and the workers' compensation fraud unit of the office of the attorney general; and provided further, that notwithstanding any general or special law to the contrary, the amount assessed for said costs	

provided further, that not more than \$250,000 shall be expended from the funds appropriated in this item for a safe neighborhood initiative pilot program in the Bowdoin/Geneva area, of Dorchester;

## **House Ways and Means Committee**

	shall be equal to the amount expended from this item .....	\$1,375,223
0810-0338	For the investigation and prosecution of automobile insurance fraud; provided, that notwithstanding section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$280,164 .....	\$280,164
0810-0399	For the investigation and prosecution of workers' compensation fraud; provided, that notwithstanding section 3 of chapter 399 of the acts of 1991, the amount assessed pursuant to said section 3 for the cost of this program shall be \$280,164; provided further, that the attorney general shall investigate and prosecute, where appropriate, employers who fail to provide workers' compensation insurance in accordance with the laws of the commonwealth; and provided further, that said unit shall investigate and report on all companies not in compliance with chapter 152 of the General Laws .....	\$280,164

### ***Victim Witness Assistance Board.***

0840-0100	For the operation of the Massachusetts office for victim assistance; provided, that said office shall submit a comprehensive report compiled from the information required of and submitted to said office by the trial court, the registry of motor vehicles and the state treasurer relative to the collection of assessments for the previous calendar year under section 8 of chapter 258B of the General Laws; and provided further, that said report shall be submitted to the house and senate committees on ways and means on or before February 15, 2004 .....	\$380,007
0840-0101	For the safeplan advocacy program; provided, that the amount allocated in this item shall be expended on the salaries and employee benefits of safeplan advocates and regional coordinators, including the advocates in the Hampshire probate and family court and the Northampton and Ware district courts; provided further, that funds may be expended by the Massachusetts office for victim assistance to administer the program; provided further, that said office shall submit to the house and senate committees on ways and means not later than February 3, 2004 a report detailing the effectiveness of contracting for said program including, but not limited to, the number and types of incidents to which such advocates responded, the types of services and service referrals provided by such domestic violence advocates, the cost of providing such services and the extent of coordination with other service providers and state agencies .....	\$590,826

## **STATE ETHICS COMMISSION.**

0900-0100	For the operation of the state ethics commission .....	\$1,265,221
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## **OFFICE OF THE INSPECTOR GENERAL.**

0910-0200	For the operation of the office of the inspector general .....	\$2,201,150
0910-0210	The office of the inspector general may expend revenues collected up to a maximum of \$300,000 from the fees charged to participants in the Massachusetts public purchasing official certification program and the certified public manager program for the operation of such programs; provided, that for the purpose of accommodating discrepancies between the receipts of retained revenues and related expenditures, the office of the inspector general may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....	\$300,000

## **OFFICE OF CAMPAIGN AND POLITICAL FINANCE.**

0920-0300	For the operation of the office of campaign and political finance .....	\$998,178
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## **OFFICE OF THE STATE COMPTROLLER.**

1000-0001	For the office of the state comptroller for the purpose and cost of compliance with the Single Audit Act of 1984, Public Law 89-502, and for the federally required comprehensive, statewide single audit of state operations for the fiscal year ending June 30, 2004 in accordance with generally accepted accounting principles; provided, that the office of the comptroller shall charge other items of appropriation for the cost of said audit from allocated federal funds transferred from federal reimbursement and grant receipts; provided further, that the office of the comptroller shall charge not more than a total of \$750,000 to other items of appropriation	
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For the operation of the office of dispute resolution; provided, that not less than \$40,000 shall be expended for the north shore community mediation program in Salem; provided further that \$44,337 shall be expended for the north central court service, Inc program; provided further that \$65,000 shall be expended for the metropolitan mediation services program; provided further that \$49,500 shall be expended for the community dispute settlement center, Inc program of Cambridge; provided further that \$49,500 shall be expended for the Somerville mediation program; provided further that \$29,558 shall be expended for Berkshire mediation services, Inc; and provided further, that \$25,863 shall be expended for the Housing services and mediation program operated by the Berkshire county regional housing authority ..... \$413,758

1100-1103

for the cost of said audit; provided further, that notwithstanding any general or special law to the contrary, allocated federal funds transferred from federal reimbursement and grant receipts shall be retained and expended from a separate item without further appropriation, in addition to state funds appropriated to this item, for the cost of compliance with the mandate of the federal law and the office of management and budget regulations; provided further, that the amount of any such federal funds and grant receipts so credited and expended from this item shall be reported to the house and senate committees on ways and means; provided further, that the comptroller shall maintain a special federal and non-tax revenue unit which shall operate under policies and procedures developed in conjunction with the secretary of administration and finance; provided further, that the comptroller shall provide quarterly reports to the house and senate committees on ways and means which shall include for each state agency for which the commonwealth is billing, the eligible state services, the full year estimate of revenues and revenues collected; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller shall deduct an amount of \$1,000 from any item of appropriation in section 2 of this act in which a reporting requirement is stipulated within said item and which report is not filed within ten days of the stated due date; provided further, that any and all amounts deducted shall be deposited in the General Fund and said comptroller shall notify the house and senate committees on ways and means of any and all amounts so deducted; provided further, that notwithstanding the provisions of any general or special law to the contrary, the comptroller may enter into contracts with private vendors to identify and pursue cost avoidance opportunities for programs of the commonwealth and to enter into interdepartmental service agreements with state agencies, as applicable, for said purpose; provided further, that payments to private vendors on account of such cost avoidance projects shall be made only from such actual cost savings as have been certified in writing to the house and senate committees on ways and means by the comptroller and the budget director as attributable to such cost avoidance projects; provided further, that the comptroller may establish such procedures, in consultation with the budget director and the affected departments, as he deems appropriate and necessary to accomplish the purpose of this section; provided further, that the budget director shall report on a quarterly basis to the house and senate committees on ways and means the status of all cost avoidance projects which are undertaken pursuant to the provisions of this section; and provided further, that the comptroller shall report on said projects as a part of his annual report pursuant to section 12 of chapter 7A of the General Laws .....

\$7,905,392

1000-0004

The office of the comptroller shall expend an amount not to exceed \$25,000 from fees collected from vendors who participate in training on statewide financial systems including, but not limited to, the Massachusetts management accounting and reporting system; provided, that said office shall provide such training, offer sessions to vendors who do business with the commonwealth and establish and charge a reasonable fee for such training .....

\$25,000

1000-0006

The office of the comptroller shall expend an amount not to exceed \$135,495 from fees collected from the expanded intercept program.....

\$135,495

## EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE.

### Office of the Secretary.

1100-1100

For the office of the secretary and the fiscal affairs division; provided, that the secretary shall conduct an ongoing review of affirmative action steps taken by the various agencies, boards, departments, commissions or divisions to determine whether such agencies, boards, departments, commissions or divisions are complying with the commonwealth's policies of non-discrimination and equal opportunity; provided further, that whenever non-compliance is determined by the secretary, the secretary shall hold a public hearing on the matter and report his resulting recommendations to the head of the particular agency, board, department, commission or division, to the governor and to the Massachusetts commission against discrimination; and provided further, that the secretary shall report on the status of each agency, board, department, commission or division receiving monies under this act, including supplemental and deficiency budgets, as to compliance with affirmative action policies to the chairs of the house and senate committees on ways and means, the joint committee on public service and the joint committee on commerce and labor on or before December 1, 2003 .....

\$3,435,009

### Office of Dispute Resolution.

1100-1103

~~For the operation of the office of dispute resolution; provided, that that not less than \$40,000 shall be expended for the north shore community mediation program in Salem .....~~

~~\$150,000~~

1100-1104

The office of dispute resolution may expend an amount not to exceed \$436,381 in revenues collected from fees charged to cities, towns or public instrumentalities and other political

## House Ways and Means Committee

subdivisions of the commonwealth or to corporations and individuals for the costs of mediation and related services; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the office of dispute resolution may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the cost of personnel .....\$436,381

### *Division of Capital Asset Management and Maintenance.*

1102-3205 The division may expend for the maintenance and operation of the Massachusetts information technology center an amount not to exceed \$5,500,000 in revenues collected from rentals, commissions, fees, parking fees and any and all other sources pertaining to the operations of said center; and provided further, that notwithstanding any general or special law to the contrary, and for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system .....\$5,500,000

1102-3206 For the costs associated with the maintenance and security of surplus state properties; provided, that the division shall submit quarterly reports that detail the hire date, salary, and job title of every employee at the division; and provided further, the division shall submit a report that details every employee at the division including the hire date, salary, and job title for fiscal years 2002 and 2003 to the house and senate committees on ways and means on or before January 11, 2004 .....\$600,000

1102-3214 For the state transportation building; provided, that the division may expend revenues collected up to a maximum of \$6,100,000 from rentals, commissions, fees, parking fees and from any and all other sources pertaining to the operation of the state transportation building for the maintenance and operation of said building; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....\$6,100,000

1102-3231 For the Springfield state office building; provided, that the division may expend revenues collected up to a maximum of \$654,322 from rents charged to agencies occupying said building for the maintenance and operation of said building; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....\$654,322

### *Bureau of State Office Buildings.*

1102-3301 For the operation of the bureau and for the maintenance and operation of buildings under the jurisdiction of the state superintendent of buildings; provided, that the bureau shall retain full jurisdiction over all contracts, purchases and payments for any and all materials and services required in the operation of the bureau .....\$6,982,515

1102-3302 For the purposes of utility costs and associated contracts for the properties managed by the bureau of state office buildings .....\$5,129,416

### *Office of Disability.*

1107-2400 For the office on disability .....~~\$54,843~~ **\$574,343** ✓

### *Disabled Persons Protection Commission.*

1107-2501 For the disabled persons protection commission; provided, that the commission shall facilitate compliance by the department of mental health and the department of mental retardation with uniform investigative standards, so-called; provided further, that the commission shall report to the house and senate committees on ways and means not later than the last day of each quarter on the number of claims of abuse by caretakers made by employees or contracted service employees of the departments of mental retardation and mental health and the Massachusetts rehabilitation commission; provided further, that the report shall include: (i) the number of claims found to be substantiated; (ii) the number of claims found to be unsubstantiated; and (iii) the number of claims found to be falsely reported as a result of intentional and malicious action; and provided further, that the commission shall ensure that all calls received by the commission's 24-hour hotline are recorded, that all persons who call said hotline shall be immediately informed that all calls are recorded, and each such person shall be

provided with the opportunity to elect that the call not be recorded .....

\$1,497,454

~~\$1,497,454~~

### Civil Service Commission.

1108-1011

For the civil service commission; provided, that the general fund shall be reimbursed for the appropriation herein through a fee charged on a per claim basis; provided further, that said commission shall develop and implement regulations to implement said reimbursement to the general fund; and provided further, the civil service commission shall have the power to assess a fee upon the appointing authority when inappropriate action has occurred.....\$450,454

### Group Insurance Commission.

1108-5100

For the administration of the group insurance commission; provided, that the commission shall generate the maximum amounts allowable under the federal consolidated omnibus budget reconciliation act, as amended, and from reimbursements allowed by sections 8, 10B, 10C and 12 of chapter 32A of the General Laws.....\$2,076,070

1108-5200

~~For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2004; provided, that the secretary of administration and finance shall charge the division of employment and training and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the General Fund; provided further, that prior year costs incurred by the state indemnity health insurance plan and the preferred provider organization shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for such charges shall be credited to the general fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that notwithstanding section 8 of chapter 32A of the General Laws, the commonwealth's share of such premiums for active state employees and their dependents and employees of the Massachusetts Bay Transportation Authority and of regional transit authorities whose salary is between \$0 and \$24,999 shall be 65 percent of such premiums and rates; provided further, that the commonwealth's share of such premiums for active state employees and their dependents and employees of the Massachusetts Bay Transportation Authority and of regional transit authorities whose salary is between \$25,000 and \$49,999 shall be 80 percent of such premiums and rates; provided further, that the commonwealth's share of such premiums for active state employees and their dependents and employees of the Massachusetts Bay Transportation Authority and of regional transit authorities whose salary is between \$50,000 and \$89,999 shall be 75 percent of such premiums and rates; provided further, that the commonwealth's share of such premiums for active state employees and their dependents and employees of the Massachusetts Bay Transportation Authority and of regional transit authorities whose salary is between \$90,000 and \$109,999 shall be 70 percent of such premiums and rates; provided further, that the commonwealth's share of such premiums for active state employees and their dependents and employees of the Massachusetts Bay Transportation Authority and of regional transit authorities whose salary is greater than \$110,000 shall be 65 percent of such premiums and rates; provided further, that notwithstanding chapter 150E of the General Laws, retirees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994; provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; and provided further, that the commission shall issue at the request of the beneficiary a separate identification number for enrollment and benefit purposes instead of the social security number.~~

~~\$744,078,807~~

subsequent to July 31, 2003

provided however, that no funds appropriated herein may be used for the issuance and/or renewal of identification cards to plan participants or covered individuals which display the participants' or individuals' social security number.

For the commonwealth's share of the group insurance premium and plan costs incurred in fiscal year 2004; provided, that the secretary of administration and finance shall charge the division of employment and training and other departments, authorities, agencies and divisions, which have federal or other funds allocated to them for this purpose, for that portion of insurance premiums and plan costs as the secretary determines should be borne by such funds, and shall notify the comptroller of the amounts to be transferred, after similar determination, from the several state or other funds and amounts received in payment of all such charges or such transfers shall be credited to the general fund; provided further, that prior year costs incurred by the state indemnity health insurance plan and the preferred provider organization shall be funded from this item; provided further, that the group insurance commission shall report quarterly to the house and senate committees on ways and means the amounts expended from this item for said prior year costs; provided further, that the group insurance commission shall obtain reimbursement for premium and administrative expenses from other agencies and authorities not funded by state appropriation; provided further, that the secretary of administration and finance may charge all agencies for the commonwealth's share of the health insurance costs incurred on behalf of any employees of those agencies who are on leave of absence for a period of more than one year; provided further, that the amounts received in payment for such charges shall be credited to the general fund; provided further, that notwithstanding section 26 of chapter 29 of the General Laws, the commission may negotiate, purchase and execute contracts before July 1 of each year for policies of group insurance as

authorized by chapter 32A of the General Laws; provided further, that notwithstanding chapter 150E of the General Laws and as provided in section 8 of said chapter 32A and for the purposes of section 14 of said chapter 32A, the commonwealth's share of the group insurance premium for state employees who have retired before July 1, 1994 shall be 90 per cent and the commonwealth's share of the group insurance premium for state employees who have retired on or after July 1, 1994 shall be 85 per cent; provided further, that the commonwealth's share of the group insurance premium for active employees upon retirement shall be 85 per cent; provided further, that the commonwealth's share of such premiums for active state employees and their dependents and employees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall be 80 per cent of such premiums and rates; provided further, that that the commonwealth's share of such premiums for active state employees and their dependents and employees of the Massachusetts Bay Transportation Authority and of regional transit authorities who are hired after January 1, 2004 shall be 75 per cent of such premiums and rates; provided further, that notwithstanding chapter 150E of the General Laws, retirees of the Massachusetts Bay Transportation Authority and of regional transit authorities shall continue to pay the same percentage, if any, of the health insurance premium that they paid on June 1, 1994; provided further, that the commission shall notify the house and senate committees on ways and means by March 15 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year; provided further, that the commission shall issue at the request of the beneficiary a separate identification number for enrollment and benefit purposes instead of the social security number; and provided further, that said commission shall complete and submit to the house and senate committees on ways and means a study no later than January 1, 2004 on the feasibility and costs associated with phasing-out the 80 per cent contribution rate and returning to the 85 per cent contribution rate by July 1, 2006 ..... \$749,578,507



## ***House Ways and Means Committee***

1108-5350	For elderly governmental retired employee premium payments .....	\$810,346
1108-5400	For the costs of the retired municipal teachers' premiums and the audit of such premiums .....	\$45,871,510
1108-5500	For the costs, notwithstanding chapter 32A of the General Laws to the contrary, of dental and vision benefits for those active employees of the commonwealth, not including employees of authorities and any other political subdivision, who are not otherwise provided such benefits pursuant to a separate appropriation or the provisions of a contract or collective bargaining agreement; provided, that such employees shall pay 15 per cent of the monthly premium established by the commission for such benefits.....	\$5,896,196

### ***Division of Administrative Law Appeals.***

1110-1000	For the operation of the division of administrative law appeals established by section 4H of chapter 7 of the General Laws .....	\$663,887
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### ***George Fingold Library.***

1120-4005	For the administration of the library; provided, that said library shall maintain regular hours of operation from 9:00 a.m. to 5:00 p.m. ....	\$1,184,048
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### ***Massachusetts Commission Against Discrimination.***

1150-5100	For the office of the commission, including the processing and resolution of cases pending before the commission that were filed on or before July 1, 2000; provided, that on or before November 1, 2003 the commission shall submit to the house and senate committees on ways and means a report on the total number of all currently pending cases and the total number of such cases in the investigation, conciliation, post-probable cause and pre-public hearing and post-hearing stages; provided further, that the commission shall file an update of the report with such committees on or before March 1, 2004; provided further, that the commission shall identify in such reports the number of cases in which the commission has determined there is probable cause to believe that a violation of chapter 151B of the General Laws has been committed in a case in which Massachusetts Bay Transportation Authority is named as a respondent; provided further, that the commission shall report to the house and senate committees on ways and means on or before November 1, 2003 the number of cases pending before the commission in which a state agency or state authority is named as a respondent, specifying those cases in which the Massachusetts Bay Transportation Authority is named as a respondent, and the number of such cases in which there is probable cause to believe that a violation of chapter 151B has been committed; provided further, that the commission shall include in such report the total number of new cases filed in 2003 and the total number of cases closed by the commission in 2003; provided further, that funds made available in this item shall be in addition to funds available in item 1150-5104; provided further, that all positions, except clerical, shall be exempt from chapter 31 of the General Laws; and provided further, that the commission shall pursue the highest allowable rate of federal reimbursement .....	\$1,083,330
1150-5104	The Massachusetts commission against discrimination may expend revenues from federal reimbursements received for the purposes of the United States department of housing and urban development fair housing type 1 program and the equal opportunity resolution contract program during fiscal year 2004 and federal reimbursements received for these and other programs in prior years; provided, that the commission may also expend revenues generated through the collection of fees so authorized; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; provided further, that notwithstanding section 1 or any other general or special law to the contrary, revenues received in excess of \$3,019,516 shall be credited to the General Fund; provided further, that the commission shall report to the house and senate committees on ways and means, not later than the last day of each quarter, the following: federal reimbursements received in each such quarter, anticipated reimbursements to be received in the remaining quarters of the fiscal year and reimbursements projected to be collected in the subsequent fiscal year for such purposes; provided further, that such report shall detail actual and anticipated reimbursements by date of receipt, case type, reimbursement per case and cases resolved; and provided further, that the costs of personnel may be charged to this item .....	\$3,019,516
1150-5116	The Massachusetts commission against discrimination may expend an amount not to exceed \$27,500 from revenues collected from fees charged for the training and certification of diversity	

trainers for the operation of the discrimination prevention certification program .....\$27,500

*Department of Revenue.*

1201-0100	For the operation of the department of revenue, including tax collection administration, audits of certain foreign corporations, and the division of local services; provided, that the department may allocate an amount not to exceed \$250,000 to the office of the attorney general for the purpose of the tax prosecution unit; provided further, that the department may charge the expenses for computer services, including the cost of personnel and other support costs provided to the child support enforcement unit, from this item to item 1201-0160, consistent with the costs attributable to said unit; provided further, that the department shall maintain regional offices in the cities of Hyannis, Springfield, Pittsfield, Fall River, and Worcester; and provided further, that the department shall provide to the general court access to the municipal data bank .....	\$116,398,660
	General Fund .....	95.00%
	Highway Fund .....	5.00%
1201-0130	The department of revenue may expend an amount not to exceed \$2,640,000 from revenues collected by auditors and for the costs of administering an enhanced audit program, for discovering and identifying persons who are delinquent either in the filing of any tax return or the payment of any tax due and payable to the commonwealth, for the costs of obtaining those delinquent returns and collecting those delinquent taxes for any prior fiscal year; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment the amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system.....	\$2,640,000
1201-0160	For the child support enforcement unit; provided, that the department may allocate funds appropriated herein to the department of state police, the district courts, the Boston municipal court, the probate and family courts, the district attorneys and other state agencies for the performance of certain child support enforcement activities, and such agencies are hereby authorized to expend said funds for the purposes of this item; provided further, that all such allocations shall be reported quarterly to the house and senate committees on ways and means upon the allocation of said funds; provided further, that the federal receipts associated with the child support computer network shall be drawn down at the highest possible rate of reimbursement and deposited into a revolving account to be expended for said network; provided further, that federal receipts associated with child support enforcement grants shall be deposited into a revolving account to be drawn down at the highest possible rate of reimbursement and to be expended for the grant authority, so-called; provided further, that the department shall file quarterly reports with the house and senate committees on ways and means, detailing the balance, year-to-date and projected receipts and year-to-date and projected expenditures, by subsidiary, of the child support trust fund established pursuant to section 9 of chapter 119A of the General Laws; and provided further, that the department shall file a performance report with the house and senate committees on ways and means on or before January 15, 2004 detailing current staffing levels by function and performance indicators, including, but not limited to, TAFDC and non-TAFDC caseloads, collection levels, court cases, paternities established, court orders established, average employee workload, federal reimbursements, projections of said indicators for the remainder of the fiscal year and any deviations of current performance from previous projections .....	\$45,779,169
1201-0164	For the child support enforcement division; provided, that said division may expend revenues in an amount not to exceed \$6,547,280 from the federal reimbursements awarded for personnel and lower subsidiary related expenditures .....	\$6,547,280
1231-1000	For the Commonwealth Sewer Rate Relief Fund established by section 2Z of chapter 29 of the General Laws .....	\$5,000,000
1231-1020	For a program of loans, loan purchases or loan guarantees or interest subsidies to assist homeowners, homeowner associations or condominium associations in complying with revised state environmental code for subsurface disposal of sanitary waste, Title V, so called; provided, that said program shall be in addition to the loan program established pursuant to item 2200-9959 in section 2 of chapter 85 of the acts of 1994; provided further, that the department may contract with third parties, including, but not limited to, commonwealth-based financial institutions to manage said program; provided further, that the department and said third parties shall take all steps necessary to minimize said program's administrative costs; provided further, that such loans, loan purchases or loan guarantees shall be available on the basis of a sliding scale that relates a homeowner's income and assets to the cost of Title V compliance;	

**House Ways and Means Committee**

provided further, that interest subsidies shall be means-tested and may be for zero-interest loans pursuant to income standards developed by the department; and provided further, that the department of revenue shall consult with the department of environmental protection in developing rules, regulations and guidelines for said program, prior appropriation continued.

1231-2000	For emergency assistance to fulfill the police, fire and critical public health needs of cities and towns with serious financial emergencies caused by the loss of local aid provided by the commonwealth; provided, that such emergencies shall be certified after study and analysis by the division of local services of the department of revenue; provided further, that no city or town shall be eligible for said assistance until such city or town has developed and implemented a financial management plan approved by said division to remediate the cause of such financial emergencies by June 30, 2007; provided further, that no such city or town may receive more than 10 per cent of the total appropriation; provided further, that said division's certification of a serious financial emergency shall be based upon (a) the city's or town's excess levy capacity, net free cash and overlay surplus; (b) the total bonded indebtedness as a percentage of equalized property valuation of the municipality, less reserves or appropriations available for payment thereof; (c) the inability to the municipality to provide for the public safety, health, education and welfare within the revenues available to the municipality; (d) the degree to which the city or town has taken advantage of opportunities to lower the cost of municipal government or to raise own source revenues as provided in any other general or special law; and (e) any other financial criteria deemed appropriate by said division; provided further, that said division shall promulgate regulations no later than September 1, 2003 to provide for the disbursement of the funds appropriated herein; provided further, that no city or town shall apply for said emergency assistance until said regulations have been promulgated by said division; provided further, that said regulation shall clearly state the purposes for which funds appropriated herein shall be expended; and provided further, that said division shall submit 30 days prior to the approval of any distribution of monies from this item an allocation schedule delineating which cities or towns will receive aid and the amount of aid to be received .....	\$17,300,000 <del>\$50,000,000</del>
1232-0100	For underground storage tank reimbursements to parties that have remediated spills of petroleum products pursuant to chapter 21J of the General Laws .....	\$19,200,000
1232-0200	For the Underground Storage Tank Petroleum Cleanup Fund Administrative Review Board pursuant to chapter 21J of the General Laws and for the administration of the underground storage tank program associated with the implementation of chapter 21J of the General Laws; provided, that notwithstanding section 4 of chapter 21J or any other general or special law to the contrary, appropriations made in this item shall be sufficient to cover said administrative expenses of the underground storage tank program; provided further, that the board shall submit to the house and senate committees on ways and means a report on the status of the underground storage program, including, but not limited to, the number of municipal grants made for the removal and replacement of underground storage tanks and the reimbursements for remediated petroleum spills; provided further, that the report shall detail how many tanks are out of compliance with chapter 21J; and provided further, that the report shall be submitted not later than February 16, 2004 .....	\$1,097,610
1232-0300	For underground storage tank municipal grants to remove and replace such tanks pursuant to section 2 of chapter 21J of the General Laws and section 37A of chapter 148 of the General Laws .....	\$1,000,000
1233-2000	For reimbursing cities and towns for taxes abated pursuant to clauses Seventeenth, Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second E and Thirty-seventh of section 5 of chapter 59 of the General Laws .....	\$8,400,000
1233-2010	For reimbursing cities and towns for tax abatements granted to certain homeowners over the age of 65 pursuant to clause Fifty-second of section 5 of chapter 59 of the General Laws .....	\$9,655
1233-2310	For reimbursing cities and towns for taxes abated pursuant to the clauses Forty-first, Forty-first B and Forty-first C of section 5 of chapter 59 of the General Laws; provided, that the commonwealth shall reimburse each city or town that accepts the provisions of said clause forty-first B or clause forty-first C for additional costs incurred in determining eligibility of applicants under said clauses in an amount not to exceed \$2 per exemption granted .....	\$9,890,345

***Appellate Tax Board.***

1310-1000	For the operation of the appellate tax board; provided, that the board shall schedule hearings in Barnstable, Gardner, Lawrence, Milford, Northampton, Pittsfield, Springfield, Worcester and southeastern Massachusetts; and provided further, that the board shall report to the house and senate committees on ways and means on the number of hearings held at each location .....	\$1,517,359
1310-1001	The appellate tax board may expend revenues up to a maximum of \$300,000 from fees	

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page 25

1410-0012 For services to veterans, including the maintenance and operation of outreach centers; provided, that not more than \$80,029 shall be obligated for a contract with the Puerto Rican Veteran Association in Springfield; provided further, that not more than \$89,100 shall be obligated for a contract with NamVets of the Cape and Islands; provided further, that not more than \$157,818 shall be obligated for a contract with the Montachusett Veterans Outreach Center in Gardner; provided further, that not more than \$80,029 shall be obligated for a contract with the Veterans Association of Bristol County in Fall River; and provided further, that not less than \$511,639 shall be made available to those veterans organizations who respond to a request for proposal and meet those qualifications for funding ..... \$918,615

collected; provided, that in order to accommodate discrepancies between the receipt of retained revenues and related expenditures, the board may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....\$300,000

*Department of Veterans Services.*

0610-0093 For the purposes of allowing the department of veterans' services to make bonus payments to Persian Gulf war veterans; provided, that all such payments shall be consistent with the purposes of the trust instrument for "A Hero's Welcome Trust Fund" .....\$23,000

A Hero's Welcome Trust Fund ..... 100.00%

1410-0010 For the operation of the office of veterans' services and the women veterans' outreach program.....\$1,878,329

~~1410-0012 For services to veterans, including the maintenance and operation of outreach centers.....\$818,815~~

1410-0018 The department may expend for the maintenance and operation of Agawam veterans' cemetery an amount not to exceed \$115,051 from revenue collected from fees, grants, gifts, or other contributions to said cemetery .....\$115,051

~~1410-0250 For homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans and the New England Shelter for Homeless Veterans located in the city of Boston.....\$2,087,850~~

1410-0300 For the payment of annuities to certain disabled veterans and the parents and un-remarried spouses of certain deceased veterans; provided, that such payments shall be made pursuant to section 6B of chapter 115 of the General Laws; provided further, that the department shall take reasonable steps to terminate payments upon the death of a recipient; provided further, that the department shall prorate annuity payments to ensure that the total payments in fiscal year 2004 shall not exceed the amount appropriated herein; and provided further, that the commissioner of veterans' services shall file with the house and senate committees on ways and means a report detailing the number of applications received for annuities offered under this program at the end of each fiscal quarter .....\$11,002,311

1410-0400 For reimbursing cities and towns for money paid for veterans' benefits and for payments to certain veterans; provided, that said reimbursements shall be made pursuant to section 6 of chapter 115 of the General Laws; provided further, that notwithstanding any general or special law to the contrary, 100 per cent of the amounts of veterans' benefits paid by cities and towns to residents of a soldiers' home shall be paid by the commonwealth to the several cities and towns; provided further, that pursuant to section 9 of said chapter 115, the department shall reimburse cities and towns for the cost of United States flags placed on the graves of veterans on Memorial day; provided further, that notwithstanding any general or special law to the contrary, the commissioner of veterans' services may continue a training program for veterans' agents and directors of veterans' services in cities and towns of the commonwealth; provided further, that the purpose of such training program shall be to maximize federal assistance available for veterans and to assure that such agents and directors receive uniform instruction on providing veterans and dependents with advice relative to procurement of state, federal and local benefits to which they are entitled, including employment, education, health care, retirement and other veterans' benefits; provided further, that the subject matter of such training program shall include benefits available under chapter 115 of the General Laws and alternative resources, including those which are partially or wholly subsidized by the federal government, such as Medicaid, Supplemental Security Income, and Social Security Disability benefits, as well as federal pension and compensation entitlements; provided further, that the commissioner shall promulgate regulations for said training program; provided further, that upon successful participation by such veterans' agents or directors of veterans' services in such training program, the costs of such training program incurred by the several cities and towns shall be reimbursed by the commonwealth on or before November 10 following the fiscal year in which such costs were paid; provided further, that veterans' agents shall complete applications authorized by the division of medical assistance under chapter 118E for any veteran, widow and dependent applying for medical assistance under chapter 115; provided further, that the veterans' agent shall file the application for the veteran or dependent for assistance under said chapter 118E; provided further, that the division of medical assistance shall act on all chapter 118E applications and advise the applicant and the veterans' agent of the applicant's eligibility for chapter 118E healthcare; provided further, that the veterans' agent shall advise the applicant of the right to assistance for medical benefits under chapter 115 pending approval of the application for assistance under chapter 118E by the division of medical assistance; provided further, that the commissioner may supplement healthcare pursuant to 118E, with healthcare coverage under 115, if he determines that supplemental coverage is necessary to afford the veteran or dependent sufficient relief and support; provided

1410-0100 For the revenue maximization project of the executive office of elder affairs to identify individuals eligible for veterans' pensions who are currently receiving home health care services .....\$98,000

INSERT ITEM  
1410-0012 From  
Page 24A -

INSERT ITEM  
1410-0250 From  
Page 25A -

1410-0250 For homelessness services, including the maintenance and operation of homeless shelters and transitional housing for veterans; provided, that funds shall be obligated for a contract with the New England Shelter for Homeless Veterans located in the city of Boston; provided further, that not more than \$90,000 shall be obligated for a contract with the southeastern Massachusetts veterans housing program located in the city of New Bedford; provided further, that not more than \$81,000 shall be obligated for a contract with the Unity House located in the city of Gardner; provided further, that not more than \$25,515 shall be obligated for a contract with the Homestead in Hyannis; provided further, that not more than \$97,200 shall be obligated for a contract with the veterans hospice homestead in the city of Leominster and the veterans hospice in the town of Fitchburg; provided further, that not more than \$81,000 shall be obligated for a contract with Habitat PLUS in the city of Lynn; provided further, that not more than \$46,778 shall be obligated for a contract with the Springfield Bilingual Veterans Outreach

Center; provided further, that not less than \$2,666,366 shall be made available to those veterans organizations who respond to a request for proposal and meet those qualifications for funding; and provided further, that the commissioner may distribute funds on a per person, per bed basis ..... \$3,087,859

provided further, that not more than \$100,000 shall be expended for the Veterans Benefits Clearinghouse located in Dorchester; provided further, that not more than \$100,000 shall be expended for the Veterans Benefits Clearinghouse located in Roxbury;

;provided further, that \$86,000 shall be obligated for a contract for the Central Massachusetts Veterans Shelter in the city of Worcester.

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	further, that payments to or on behalf of a veteran or dependent pursuant to chapter 115 shall not be considered income for the purposes of determining eligibility under chapter 118E; and provided further, that benefits awarded pursuant to section 6B of chapter 115 shall be considered countable income.....	\$8,034,959 <del>\$429,908</del> ✓
1410-0630	For the administration of the veterans' cemeteries in the towns of Agawam and Winchendon .....	<del>\$8,034,959</del>
	<i>Reserves.</i>	
1599-0035	For certain debt service contract assistance to the Massachusetts Convention Center Authority in accordance with section 39 of chapter 190 of the acts of 1982.....	\$16,378,338
1599-0049	For contract assistance payments to the Foxborough Industrial Development Finance Authority in accordance with section 8 of chapter 16 of the acts of 1999 .....	\$5,337,628
1599-0050	For Route 3 North contract assistance payments .....	\$26,777,895
1599-0093	For contract assistance to the water pollution abatement trust for debt service obligations of the trust, in accordance with the provisions of sections 6 and 6A of chapter 29C of the General Laws .....	\$51,186,845
1599-1970	For a reserve for the Massachusetts turnpike authority for costs incurred in fiscal year 2003 for the operation and maintenance of the central artery/ tunnel project pursuant to chapter 235 of the acts of 1998 .....	<del>\$16,026,390</del> ✓ <del>\$29,276,269</del>
1599-1971	For the cost of hired and leased equipment, vehicle repair, and sand, salt, and other control chemicals used for snow and ice control; provided, that the secretary of administration and finance shall submit to the house and senate committee on post audit and oversight and the house and senate committees on ways and means a report no later than October 1, 2003 which shall include, but not be limited to, the following: (a) a list of amounts paid to each vendor from state appropriations for snow and ice control efforts for fiscal years 1997, 1998, 1999, 2000, 2001, and 2002; (b) a comparison of the average snowfall by county as reported by the national weather service and the amount of state snow and ice control effort funds appropriated by county for fiscal years 1998, 1999, 2000, 2001, 2002 and 2003; (c) a detailed account of the administrative oversight exercised by either the secretary of administration and finance, the secretary of transportation and construction, or the department of highways for snow and ice control efforts, including an explanation of measures taken to verify services provided, audit vendor payment vouchers, or any other measures taken to ensure accountability relative to the expenditure of the state funds for snow and ice control efforts; (d) a comparison delineated by county of the commonwealth of the amounts expended on snow and ice control efforts to the daily snowfall amounts as reported by the national weather service; and (e) any other information that said secretary determines is necessary to account for and explain the extraordinary expenditure of state appropriations for the control and removal of snow and ice; and provided further, that no funds shall be expended from this appropriation until said secretary, the commissioner of the department of highways and any other officer of the commonwealth involved in snow and ice control efforts has submitted all documentation, testimony, data and other information as required by the provisions of this appropriation .....	\$50,000,000
1599-3234	For the commonwealth's south Essex sewerage district debt service assessment .....	\$96,156
1599-3384	For a reserve for the payment of certain court judgments, settlements and legal fees, in accordance with regulations promulgated by the comptroller, which were ordered to be paid in fiscal year 2003 or a prior fiscal year; provided, that the comptroller shall report quarterly to the house and senate committees on ways and means on the amounts expended from this item; provided further, that the comptroller may transfer up to \$2,000,000 from this item to the Liability Management and Reduction Fund established by section 2TT of chapter 29 of the General Laws; and provided further, that notwithstanding paragraph 41 of the Settlement Agreement for Boulet, et al v. Cellucci, et al, civil action No. 99-CV-10617-DPW, United States District Court of Massachusetts, no amount appropriated herein shall fund attorneys' fees for the above-referenced action .....	\$8,000,000
1599-3837	For the payment to the water pollution abatement trust to fund financial assistance to municipalities and other eligible borrowers to meet debt service obligations incurred by said municipalities and other eligible borrowers after January 1, 1992, to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, and which have been completed, as determined by said department, on or prior to the promulgation date of said department's regulations related to the implementation of the federal Safe Drinking Water Act, so-called .....	\$7,860,000

***Fiscal Year 2004 Budget Recommendations***

1599-3838	For a reserve for payment to the water pollution abatement trust to finance the costs of water treatment projects or portions thereof which have been approved by the department of environmental protection, or otherwise authorized by law, after the promulgation date of said department's regulations related to the implementation of the federal Safe Drinking Water Act, so-called .....	\$6,989,237
1599-3856	For rent and associated costs at the Massachusetts information technology center in Chelsea .....	\$7,115,000
1599-3857	For capital lease payments from the university of Massachusetts to the Massachusetts development finance agency and for annual operations of the advanced technology and manufacturing center in Fall River .....	\$550,442
1599-7092	For a reserve for the county correctional programs; provided that, notwithstanding any general or special laws to the contrary, the sheriffs, in conjuncture with the county government finance review board, shall develop a plan with the comptroller's office to collect and report all revenue collection and all spending on the Massachusetts Management Accounting Reporting System; provided further that the comptroller shall not transfer the funds from this item to the 8910-0000 line item until 60 days have passed from the implementation of said plan; provided further, that the county government finance review board shall, by January 1, 2004, have developed a plan for the spending of all funds for fiscal year 2004, and developed a sound fiscal spending plan for fiscal year 2005; provided further, that said board shall build the spending plans with the direct input of the seven sheriffs still functioning under the county government system; provided further, that by January 15, 2004 the board shall report all spending plans to the house and senate committees on ways and means; provided further, that the information shall satisfy all fiscal requirements for a maintenance level of funding, including, but not limited to, collective bargaining increases, legal fees, debt services, one time costs, energy costs, equipment leases, medical costs, and workers compensation issues; provided further, that no other spending information or requests shall be submitted to the house and senate committees on ways and means by the individual sheriffs until February 15, 2004; provided further, that the board shall also provide a projection of all county funds to be collected for fiscal year 2004 and 2005; provided further, that the board shall release all funds from fiscal year 2004 quarterly; provided further, that any sheriff that spends more than his quarterly approved budget shall have the money allocated to him for the following quarter reduced by the excess amount overspent in the previous quarter; and provided further, that it is the intent of the General Court that no funds be spent from the item nor any funds be transferred from this item to another item until all of aforementioned restrictions and conditions have been satisfied .....	\$39,319,632

***Division of Human Resources.***

1750-0100	For the operation of the human resources division; provided, that the division shall be responsible for the administration of examinations for state and municipal civil service titles, establishment of eligible lists, certification of eligible candidates to state and municipal appointing authorities, technical assistance in selection and appointment to state and municipal appointing authorities; provided further, that notwithstanding clause (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary, the commissioner of administration shall charge a fee of \$50 to be collected from each applicant for a civil service examination; provided further, that no funds shall be obligated for purposes of executive search programs except any executive search program which may be conducted pursuant to Executive Order 227 adopted on February 25, 1983; provided further, that the division shall administer a program of state employee unemployment management, including, but not limited to, agency training and assistance; provided further, that the division shall administer the statewide classification system, including, but not limited to, maintaining a classification pay plan for civil service titles within the commonwealth in accordance with generally accepted compensation standards and reviewing appeals for reclassification; provided further, that upon certification of any open competitive list for a public safety position in a city or town, the personnel administrator shall cause to be published in a newspaper of general circulation in a city or town, public notice that such eligible list has been certified along with the notice of the last date to respond to the notice of circulation; provided further, that the secretary of administration and finance shall file with the house and senate committees on ways and means the amounts of any and all economic benefits necessary to fund any incremental cost items contained in any collective bargaining agreements with the various classified public employees' unions; provided further, that the nature and scope of economic proposals contained in such agreements shall include all fixed percentage or dollar based salary adjustments, non-base payments or other forms of compensation and all supplemental fringe benefits resulting in any incremental costs; and provided further, that any employee of the commonwealth who chooses to participate in a bone marrow donor program or an organ donor transplant program shall be granted a leave of absence with pay to undergo the medical procedure and for associated physical recovery time, but this leave shall not exceed 5 days .....	\$3,156,544
1750-0102	The human resources division may expend revenues up to a maximum of \$1,012,500 from	



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	fees charged to applicants for civil service and non-civil service examinations and fees charged for the costs of goods and services rendered in administering training programs and the continuous testing program; provided, that the division shall collect from participating non-state agencies, political subdivisions, and the general public fees sufficient to cover all costs of the programs, including, but not limited to, a fee to be collected from each applicant for a civil service examination or non-civil examination, notwithstanding paragraph (n) of section 5 of chapter 31 of the General Laws or any other general or special law to the contrary; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefor as reported in the state accounting system.....	\$1,012,500
1750-0111	For the planning and implementation of a civil service continuous testing program and the bypass appeals process program; provided, that the division shall file quarterly reports with the house and senate committees on ways and means detailing the number of tests administered and the amount of revenue collected through said program; and provided further, that the division shall report annually to the house and senate committees on ways and means on the number of appeals requested through said program, the number of appeals granted through said program and the number of appeals resulting in the hiring of the appellant .....	\$151,741
1750-0119	For payment of workers' compensation benefits to certain former employees of Middlesex and Worcester counties; provided, that the division shall routinely re-certify said former employees pursuant to current workers' compensation procedures .....	\$232,656
1750-0201	The division may expend an amount not to exceed 165,590 for implementation of the medical and physical fitness standards program established pursuant to sections 61A and 61B of chapter 31 and chapter 32 of the General Laws; provided, that the personnel administrator shall charge a fee of not less than \$50 to be collected from each applicant who participates in the physical ability test; provided further, that the human resources division shall submit a semi-annual report to the house and senate committees on ways and means detailing all expenditures on said program including, but not limited to, the costs of personnel, consultants, administration of the wellness program, establishment of standards and any other related costs of said program; and provided further, that said division shall report to the house and senate committees on ways and means by February 1, 2004 on the projected costs of said program for fiscal year 2004 .....	\$165,590
1750-0300	For the commonwealth's contributions in fiscal year 2004 to health and welfare funds established pursuant to certain collective bargaining agreements; provided, that such contributions shall be calculated as provided in the applicable collective bargaining agreement and shall be paid to such health and welfare trust funds on a monthly basis or on such other basis as the applicable collective bargaining agreement provides .....	\$21,130,000
<i>Division of Operational Services.</i>		
1775-0100	For the operation of the operational services division .....	\$1,816,712
1775-0110	The operational services division may expend for the costs associated with the Comm-PASS computer system an amount not to exceed \$20,000 from revenues collected from the use of Comm-PASS by government entities other than state agencies and the sale of advertising space on Comm-PASS .....	\$20,000
1775-0600	The operational services division may expend revenues collected up to a maximum of \$100,000 from the sale of state surplus personal property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and distribution of surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel .....	\$100,000
1775-0700	The operational services division may expend revenues collected up to a maximum of \$53,000 in addition to the amount authorized in item 1775-1000 of section 2B, for printing, photocopying, related graphic art or design work and other reprographic goods and services provided to the general public, including all necessary incidental expenses .....	\$53,000
1775-0900	The operational services division may expend revenues in an amount not to exceed, \$55,000 collected pursuant to chapter 449 of the acts of 1984 and section 4L of chapter 7 of the General Laws, including the costs of personnel, from the sale of federal surplus property, including the payment, expenses and liabilities for the acquisition, warehousing, allocation and	

distribution of federal surplus property; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....\$55,000

1775-1100

The operational services division may expend revenues in an amount not to exceed \$1,054,538 collected from the disposal of surplus motor vehicles, including, but not limited to, state police vehicles from vehicle accident and damage claims and from manufacturer warranties, rebates and settlements, for the purchase of motor vehicles; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the operational services division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, including the costs of personnel .....\$1,054,538

*Information Technology Division.*

1790-0100

For the operation of the information technology division; provided, that the division shall continue a chargeback system for its bureau of computer services including the operation of the commonwealth's human resources and compensation management system, which complies with the requirements of section 2B; provided further, that the division shall develop a formula to determine the cost that will be charged to each agency for its use of the human resources and compensation management system; provided further, that the division may coordinate with any state agency or state authority which administers a grant program to develop a statewide grant information page on the commonwealth's official worldwide web site, that shall include all necessary application forms and a grant program reference in a format that is retrievable and printable; provided further, that the division shall continue conducting audits and surveys to identify and realize savings in the acquisition and maintenance of communications lines; provided further, that the commissioner shall file an annual status report with the house and senate committees on ways and means by May 15, 2004 with actual and projected savings and expenditures for the audits in the fiscal year ending June 30, 2004; provided further, that the state comptroller shall establish accounts and procedures as he deems appropriate and necessary to assist in accomplishing the purposes of this item; provided further, that any planned information technology development project or purchase by any agency under the authority of the governor for which the total projected cost exceeds \$200,000 including the cost of any related hardware, software, or consulting fees, and regardless of fiscal year or source of funds, shall be reviewed and approved by the chief information officer before such agency may obligate funds for such project or purchase; and provided further, that the chief information officer may establish such rules and procedures as he deems necessary to implement the provisions of this paragraph .....\$6,165,824

1790-0300

The information technology division may expend an amount not to exceed \$500,534 in revenues collected from the provision of computer resources and services to the general public for the costs of the bureau of computer services, including the purchase, lease or rental of telecommunications lines, services and equipment .....\$500,534

**EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS.**

*Office of the Secretary.*

2000-0100

For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito borne disease vector control program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs shall file a plan with the house and senate committees on ways and means 60 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation under the executive office of environmental affairs; and provided further, that said plan shall detail the purposes of, reasons for, and amounts of said agreements .....\$0,230,022

2000-0500

For the operations of the office of administrative appeals; provided, that said office shall maintain, to the fullest extent practicable, a complete physical and technological separation from any agency, department, board, commission or program whose decisions, determinations or actions may be appealed to it; provided further, that every decision issued by a

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2000-0100

For the office of the secretary, including the water resources commission, the hazardous waste facility site safety council, the coastal zone management program, environmental impact reviews conducted pursuant to chapter 30 of the General Laws, the mosquito-borne disease vector control program, and a central data processing center for the secretariat; provided, that the secretary of environmental affairs shall file a plan with the house and senate committees on ways and means 60 days before entering into any interdepartmental service agreements with any of the departments or divisions under said secretariat or any department, division or office under the executive office of administration and finance; provided further, that the parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation under the executive office of environmental affairs; provided further, that said plan shall detail the purposes of, reasons for, and amounts of said agreements; and provided further, that funds may be expended for volunteer water quality monitoring grants..... \$6,236,022

2200-0100

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For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, the operations of the board of registration of hazardous waste site cleanup professionals, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 3B of chapter 7 of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; provided further, that not less than \$75,000 shall be expended for drinking water protection in the town of Paxton; and provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws..... \$28,474,584

# House Ways and Means Committee

commissioner or other head of agency, or designee, following the issuance of a recommended decision by an administrative law judge of the environmental appeals board, shall be an agency decision subject to judicial review pursuant to chapter 30A of the General Laws; and provided further, that said office's administrative law judges shall be initially the persons who, on October 1, 2000, were serving as administrative law judges and chief administrative law judge in the office of administrative appeals in the department of environmental protection .....\$404,226

2000-9900 For the office of geographic and environmental information established pursuant to section 4B of chapter 21A of the General Laws .....\$278,791

2001-1001 The secretary of environmental affairs may expend an amount not to exceed \$50,000 accrued from fees charged to authorities and units of government within the commonwealth, other than state agencies, for the distribution of digital cartographic and other data, and the review of environmental notification forms pursuant to the Massachusetts environmental policy act, for the purposes of providing said services .....\$50,000

2020-0100 For toxics use reduction technical assistance and technology, in accordance with the provisions of chapter 211 of the General Laws .....\$1,299,324

## Department of Environmental Protection.

2200-0100 For the operation of the department of environmental protection, including the environmental strike force, the office of environmental results and strategic planning, the bureau of resource protection, the Senator William X. Wall experimental station, the integrated pest management assessment program, the operations of the board of registration of hazardous waste site cleanup professionals, and a contract with the University of Massachusetts for environmental research, notwithstanding the provisions of section 323F of chapter 94 of the General Laws; provided, that the provisions of section 18 of chapter 21A of the General Laws shall not apply to fees established pursuant to section 18 of chapter 21A of the General Laws; and provided further, that enactment of the appropriations made available by this act to the department shall be deemed a determination, pursuant to subsection (m) of section 19 of chapter 21A of the General Laws.....\$26,474,584

~~2200-0500 For the administration of the farm inspections and pesticides program; provided, that employees funded in this item shall consult with the department of conservation and agriculture on any issues relating to agriculture production or programs in the commonwealth.....\$350,000~~

2210-0100 For the implementation and administration of chapter 211 of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means on or before February 1, 2004 detailing the status of the department's progress in meeting the statutory and regulatory deadlines associated with said chapter 211 and detailing the number of full-time equivalent positions assigned to various implementation requirements of said chapter 211 .....\$918,782

2210-0110 For recycling and related purposes including municipal equipment purchases, municipal recycling incentive programs, recycled product procurement, guaranteed annual tonnage assistance, recycling transfer stations, source reduction and technical assistance, consumer education and participation campaign, municipal household hazardous waste program, the recycling loan program, research and development, recycling market development, recycling business development, development and implementation of the solid waste master plan, and the operation of the Springfield materials recycling facility; provided, that funds may be expended for a recycling industry reimbursement program pursuant to section 24I of chapter 43 of the acts of 1997; provided further, that the department shall expend not less than \$1,375,000 for a program to preserve the continuing ability of redemption centers to maintain operations in pursuit of the Commonwealth's recycling goals consistent with section 323 of chapter 94 of the General Laws; provided further, that said redemption centers shall be eligible for such funds if they were registered with the Commonwealth as of April 1, 2003; provided further, that for the purposes of this item and said chapter 94, a redemption center shall be any business registered with the Commonwealth whose primary purpose is the redemption of reusable beverage containers; provided further, that such program shall take into consideration the volume of redeemables per redemption center, the length of time such center has been in operation, the number of returnables redeemed quarterly by such centers, the submission by such centers of documentation of their redeemed returnables to the department, and the costs of transportation, packing, storage and labor; and provided further, that the department shall make recommendations to the general court concerning such costs not later than January 3, 2004 .....\$4,468,438

2220-2220 For the administration and implementation of the federal Clean Air Act, including the operating permit program, the emissions banking program, the auto related state implementation program, the low emission vehicle program, the non-auto related state implementation

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# Fiscal Year 2004 Budget Recommendations

2600-0100 For the division of agriculture and land preservation, including the office of the commissioner of conservation and agriculture, the expenses of the board of agriculture, the division of fisheries, wildlife and environmental law enforcement, the subdivision of animal health and dairy services, including a program of laboratory services at the University of Massachusetts at Amherst, the administration of the firm inspections and pesticide program, the integrated pest management assessment program, the bureau of agricultural development and fairs, and the sub-division of forestry and fire-control; provided, that funds may be expended for the buy local program, so-called; and provided further, that the sum expended for the Southeastern Massachusetts Agricultural Partnership in fiscal year 2004 shall not be reduced from fiscal year 2003 levels except in proportion to adjustments consistent with the department's budget adjustments. \$9,118,981

program, and the commonwealth's commitments under the New England Governor's/Eastern Canadian Premier's Action Plans for reducing acid rain deposition and mercury emissions .....\$948,068

2220-2221 For the administration and implementation of the operating permit and compliance program required under the federal Clean Air Act .....\$2,079,377

2250-2000 For the purposes of state implementation of the federal Safe Drinking Water Act under section 18A of chapter 21A of the General Laws .....\$1,506,194

2260-8870 For the expenses of the hazardous waste cleanup and underground storage tank programs, notwithstanding section 323F of chapter 94 of the General Laws and section 4 of chapter 21J of the General Laws; provided, that the department shall submit a report to the house and senate committees on ways and means on or before October 1, 2003 detailing the number of full-time equivalent positions assigned to tier IA, tier IB, tier IC and tier 11 projects .....\$15,287,045

2260-8872 For the brownfields site audit program .....\$1,866,141

## Department of Conservation and Agriculture.

~~2600-0100 For the division of agriculture and land preservation, including the office of the commissioner of conservation and agriculture, the expenses of the board of agriculture, the subdivision of dairy services the subdivision animal health, including a program of laboratory services at the University of Massachusetts at Amherst, the subdivision of agricultural development and fairs, and the sub-division of forestry and fire-control.....\$8,768,093~~

2600-0105 For the purchase of supplemental foods for the emergency food assistance program within the second harvest nationally-certified food bank system of Massachusetts; provided, that the funds appropriated herein shall be expended for food to be distributed by the greater Boston food bank as follows: 73.5 per cent to the greater Boston food bank, including a portion to be distributed to the Merrimack valley food bank under a contractual agreement between the food bank and the greater Boston food bank, 15.2 per cent to the food bank of western Massachusetts, and 11.3 per cent to the Worcester county food bank .....\$ 6,280,000

2610-0200 For the administration of the subdivision of fisheries and wildlife, including expenses of the fisheries and wildlife board, the administration of game farms and wildlife restoration projects, for wildlife research and management, the administration of fish hatcheries, the improvement and management of lakes, ponds and rivers, for fish and wildlife restoration projects, the commonwealth's share of certain cooperative fishery and wildlife programs, and for certain programs reimbursable under the federal Aid to Fish and Wildlife Restoration Act; provided, that funds from this item shall be made available to the University of Massachusetts at Amherst for the purposes of wildlife and fisheries research in an amount not to exceed the amount received in fiscal year 2003 for such research; and provided further, that the department shall expend the amount necessary to restore anadromous fish in the Connecticut and Merrimack river systems .....\$6,702,731

2610-0301 For the operation of a natural heritage and endangered species program .....\$551,530

2610-0316 For the purchase of land containing wildlife habitat and for the costs of the subdivision of fisheries and wildlife directly related to the administration of the wildlands stamp program; provided, that no funds shall be expended from this item in the AA subsidiary, so-called, for the compensation of state employees assigned to any item of appropriation .....\$1,279,000

2610-0317 For the waterfowl management program .....\$85,000

2620-0100 For the division of water resource conservation, including riverways protection, restoration and promotion of public access to rivers, including grants to public and non-public entities .....\$ 515,284

~~2620-0200 For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department of conservation and agriculture; provided, that no water shall be diverted from the Connecticut river by the said department or the Massachusetts water resources authority; provided further, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the general fund and not be included in the amount of the annual determination of fiscal year charges to the Massachusetts water resources authority assessed to the authority under section 113 of chapter 92 of the General Laws, provided further, that not less than 13 employees shall be assigned to patrol watershed areas; and provided further, that said department shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures in the most recent quarter including the amount and a description of what was charged.....\$9,289,792~~

2630-0100

For the operation of the subdivision of marine fisheries, including expenses of the Annisquam river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including coastal area classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program; provided, that the sum expended for the school for marine science and technology, to help mitigate the negative economic impact to the Massachusetts ports which has resulted from the change in federal fisheries regulations, in fiscal year 2004 shall not be reduced from fiscal year 2003 levels, except in proportion to adjustments consistent with the department's budget adjustments..... \$3,311,500

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2800-0101

For the watershed management program to operate and maintain reservoirs, watershed lands and related infrastructure of the department of parks and recreation; provided, that no water shall be diverted from the Connecticut river by the said department or the Massachusetts water resources authority; provided further, that \$500,000 shall be paid to the town of Clinton, under section 8 of chapter 307 of the acts of 1987, to compensate for the use of certain land; provided further, that the amount of the payment shall be charged to the general fund and not be included in the amount of the annual determination of fiscal year charges to the Massachusetts water resources authority assessed to the authority under section 113 of chapter 92 of the General Laws; provided further, that not less than 13 employees shall be assigned to patrol watershed areas; and provided further, that said department shall submit quarterly reports to the house and senate committees on ways and means not more than 10 days after the end of the quarter detailing expenditures in the most recent quarter including the amount and a description of what was charged..... \$9,289,702

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2810-0100

For the recreational operations of the division of state parks and recreation; provided, that funds appropriated herein shall be used to operate all of the division's parks, heritage state parks, reservations, campgrounds, beaches, and pools, and for the oversight of rinks; provided further, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that not less than \$80,000 shall be expended to assist access for recreational opportunities for the disabled in the town of Wilmington; provided further, that not less than \$100,000 shall be obligated for educational programming at the Ernestina Commission; and provided further, that the department is authorized to issue grants to public and non-public entities from this item..... \$14,178,928

**House Ways and Means Committee**

<del>2630-0100</del>	<del>For the operation of the subdivision of marine fisheries, including expenses of the Apponaug river marine research laboratory, marine research programs, a commercial fisheries program, a shellfish management program including sea urchin classification, mapping and technical assistance, and for the operation of the Newburyport shellfish purification plant and shellfish classification program</del>	<del>\$3,011,500</del>
2630-0120	For the subdivision of marine fisheries for a program of enhancement and development of marine recreational fishing and related programs and activities, including the cost of equipment maintenance, staff and the maintenance and updating of data	\$627,926
2630-0121	For the subdivision of marine fisheries to utilize reimbursable federal sportfish restoration funds to further develop marine recreational fishing and related programs, including the costs of activities that increase public access for marine recreational fishing, support research on artificial reefs, and otherwise provide for the development of marine recreational fishing; provided, that the subdivision of marine fisheries may expend revenues up to \$292,898 collected from federal sportfish restoration funds and from the sale of materials which promote marine recreational fishing; and provided further, that this expenditure shall generate an additional \$285,000 reimbursement from the federal sportfish restoration program	\$292,898
2650-0100	For the operation of the subdivision of environmental law enforcement; provided, that each county shall be assigned at least 1 full-time environmental officer; provided further, that officers shall be assigned to vacant patrol districts; provided further, that officers shall provide monitoring pursuant to the National Shellfish Sanitation Program; and provided further, that no funds from this item shall be expended for the purposes of item 2650-0104	\$10,086,175
2650-0101	For the hunter safety training program	\$488,732
2650-0104	For environmental police private details; provided, that the subdivision may expend revenues of up to \$250,000 collected from fees charged for private details	\$250,000

**Department of Parks and Recreation.**

2800-0100	For the department of parks and recreation administration, including the office of the commissioner, the division of urban parks and recreation, and the division of state parks and recreation	\$4,125,889
2800-0200	For the operation of the Commonwealth Zoological Corporation, pursuant to chapter 92B of the General Laws; provided, that funds appropriated herein shall be expended for the purposes of promoting private fund-raising, achieving self-sufficiency and serving as a catalyst for urban economic development and job opportunities for local residents; provided further, that the corporation shall take all steps necessary to increase the amount of private funding available for the operation of the zoos; provided further, that the corporation shall report to the house and senate committees on ways and means no later than February 1, 2004 on the status of, and amounts collected from, the private fundraising and enhanced revenue efforts identified in the draft Massachusetts zoos business and operations plan dated December, 1996; and provided further, that the corporation shall continue to provide free services and supplies, including, but not limited to, routine animal check-ups, diagnosis and care, emergency veterinary needs, medications and medical supplies, vitamins and diet supplements and Zoo Prem feline diet, to the trailside museum and the Chickatawbut Hill center in the town of Milton	\$1,500,000
2800-0300	<del>For the administration of the public access board, including the maintenance, operation, and improvements of public access land and water areas</del>	<del>\$320,092</del>
2810-0100	For the recreational operations of the division of state parks and recreation; provided, that funds appropriated herein shall be used to operate all of the division's parks, heritage state parks, reservations, campgrounds, beaches, and pools and for the oversight of rinks; provided further, that no funds from this item shall be made available for payment to true seasonal employees; and provided further, that the department is authorized to issue grants to public and non public entities from this item	\$14,178,928
2810-2000	For the seasonal hires of the division of state parks and recreation; provided, that no funds from this item shall be expended for year-round seasonal employees; and provided further, that seasonal employees who are hired prior to the second Sunday before Memorial Day and whose employment continues beyond the Saturday following Labor Day and who received health insurance benefits in fiscal year 2003 shall continue to receive such health insurance benefits in fiscal year 2004 during the period of their seasonal employment	\$5,418,329
2810-2040	The division of state parks and recreation may expend revenues collected up to a maximum of \$2,308,000 from fees charged by the division for additional expenses, upkeep and	

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PAGE 33

2820-0100

For the administration, operation and maintenance of the division of urban parks and recreation, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, for the purchase of all necessary supplies and related equipment; provided, that said parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided, that no funds from this item shall be made available for payment to true seasonal employees; provided further, that not less than \$247,000 shall be expended for the maintenance and operation of the James Michael Curley recreation center in Boston; and provided further, that no expenses other than those identified herein shall be expended from this item..... \$20,928,262

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PAGE 33

2820-3001

The division of urban parks and recreation may expend an amount not to exceed \$900,000 from skating rink fees and rentals for the operation and maintenance, including personnel costs, of four rinks between September 1, 2003 and April 30, 2004 for an expanded and extended rink season; provided, that when assigning time for the use of its rinks said division shall give priority to those which qualify under applicable state and federal law as non-profit organizations or as a public school ..... \$900,000

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improvements to the parks and recreation system of the division; provided, that no funds from this item shall be expended for the costs of personnel, including seasonal employees; provided further, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system; and provided further, that the division is authorized to issue grants to public and non-public entities from this item .....

\$2,308,000

2810-2050

The division of state parks and recreation may expend revenues collected up to a maximum of \$395,218 from campsite reservation transactions from the automated campground reservation and registration program; provided, that these funds shall be expended for the operation of this program; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the division may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....

\$395,218

2820-0100

For the administration, operation and maintenance of the division of urban parks and recreation, for the maintenance, operation and related costs of the parkways, boulevards, roadways, bridges and related appurtenances under the care, custody and control of the division, for the purchase of all necessary supplies and related equipment; provided, that said parkways, boulevards, roadways, bridges and related appurtenances under the care and custody of the metropolitan district commission in fiscal year 2003 shall remain solely under the jurisdiction, custody and care of the division of urban parks and recreation; provided, that no funds from this item shall be made available for payment to true seasonal employees; and provided further, that no expenses other than those identified herein shall be expended from this item .....

\$20,928,262

2820-0200

For seasonal hires of the division of urban parks and recreation; provided, that no funds appropriated in this item shall be used for year-round seasonals; provided further, that notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than full-time basis beginning no earlier than April 1 and ending no later than November 30 or beginning no earlier than September 1 and ending no later than April 30; provided further, that notwithstanding section 1 of chapter 31 of the General Laws; seasonal positions funded by this account may not be filled by an incumbent for more than 8 months within a 12 month period, and provided further, that no expenditures shall be made from the amount appropriated other than for those purposes identified .....

\$2,992,168

2820-1000

The division of urban parks and recreation is hereby authorized to expend an amount not to exceed \$150,000 from revenue generated pursuant to section 34B of chapter 92 of the General Laws; provided, that no expenditures shall be made from the amount appropriated other than for those purposes identified herein .....

\$150,000

2820-1001

The division of urban parks and recreation may expend \$50,000 for the operation and maintenance of the division's telecommunications system from revenues received from the Massachusetts water resources authority, the Massachusetts convention center authority, the department of highways central artery/Ted Williams tunnel project, the department of state police and quasi-public and private entities through a system of user fees and other charges established by the commissioner of the Department of Parks and Recreation; provided, that this item shall not impair or diminish the rights of access and utilization of all current users of the system under agreements previously entered into with the department of parks and recreation; provided further, that this item may be reimbursed by political subdivisions of the commonwealth and private entities for direct and indirect costs expended by the division to maintain the telecommunications system; and provided further, that no expenses other than those identified herein shall be expended from this item .....

\$50,000

2820-1202

For civilian crossing guards for elementary school children at intersections where state police previously performed such duties within the former metropolitan district commission region .....

\$200,000

2820-2000

For the expenses of snow and ice control on the parkways within the division of urban parks and recreation, including the costs of personnel .....

\$800,000

~~2820-3001~~

~~The division of urban parks and recreation may expend an amount not to exceed \$200,000 from skating rink fees and rentals for the operation and maintenance, including personnel costs, of four rinks between September 1, 2003 and April 30, 2004 for an expanded and extended rink season .....~~

~~\$200,000~~

2820-4420

For the operation and maintenance of the Ponkapoag golf course; provided, that the division of urban parks and recreation may expend revenues up to \$1,100,000 collected from fees

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	generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than a full-time basis beginning no earlier than April 1 and ending no later than November 30 .....	\$1,100,000
2820-4421	For the operation and maintenance of the Leo J. Martin golf course; provided, that the division of urban parks and recreation may expend revenues up to \$700,000 collected from fees generated by the golf course; provided further, that for the purposes of accommodating discrepancies between the receipt of retained revenue and related expenditures, the division may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further, notwithstanding section 1 of chapter 31 of the General Laws, seasonal positions funded by this account are positions requiring the services of an incumbent, on either a full-time or less than a full-time basis beginning no earlier than April 1 and ending no later than November 30 .....	\$700,000
2800-9004	For certain payments for the maintenance and use of the trail-side museum and the Chickatawbut Hill center .....	\$219,750
2820-9005	For the operation of street lighting on the division of urban parks and recreation parkways; provided, that no expenditure shall be made other than in the GG subsidiary, so called.....	\$2,400,000

### EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES.

The secretary of the executive office of health and human services may organize its 16 departments into 4 functional clusters to establish a coordinated service delivery plan, maximize all available federal and state dollars, create savings, simplify core administrative functions, preserve the mission focus of individual agencies so clients remain well represented and respected, use technology in an efficient manner to connect existing systems to build an accessible system for clients, and consolidate offices to maximize current capacity across the commonwealth. Such clusters may include the department of health services, the department of children, youth and families, the department of disabilities and community services and the department of long term care, in order to foster collaboration and communication among agencies, improve the delivery of services, eliminate duplication and promote efficiency. Said secretary may appoint an individual to serve simultaneously as commissioner of any agency within the executive office and as an assistant secretary for the operation of said clusters or any other agencies within the executive office. Said secretary may also appoint an individual to serve simultaneously as the commissioner or assistant secretary for more than one agency within the executive office. If said secretary appoints an individual to serve simultaneously as a commissioner and an assistant secretary, said individual shall only be compensated for service in one office.

#### *Office of the Secretary.*

000-0100	For the operation of the executive office, including the operation of the managed care oversight board; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by the department of social services, the division of medical assistance and the department of transitional assistance, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services and housing on the islands; provided further, that for the purposes of pharmaceutical purchasing, all agencies under the jurisdiction of said executive office, including the state office of pharmacy services within the department of public health and the department of corrections, shall collaborate with the division of medical assistance and incorporate said division's preferred drug list, the MassHealth Drug List, so-called, into each
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4000-0100

For the operation of the executive office, including the operation of the managed care oversight board and the Betsy Lehman Center for patient safety and medical error reduction; provided, that the executive office shall provide technical and administrative assistance to agencies under the purview of the secretariat receiving federal funds; provided further, that the executive office shall monitor the expenditures and completion timetables for systems development projects and enhancements undertaken by the department of social services, the division of medical assistance and the department of transitional assistance, and shall ensure that all measures are taken to make such systems compatible with one another for enhanced interagency interaction; provided further, that the executive office shall continue to develop and implement the common client identifier; provided further, that the executive office shall ensure that any collaborative assessments for children receiving services from multiple agencies within the secretariat shall be performed within existing resources; provided further, that not more than \$50,000 shall be expended for the West End Boys and Girls Club in the Allston-Brighton section of the city of Boston; provided further, that not more than \$25,000 shall be expended for the Brockton Boys and Girls Club; provided further, that not more than \$95,000 shall be expended for a matching grant to the Taunton Boys and Girls Club; provided further, that not more than \$80,000 shall be expended for the young parents programs of the Newton Community Service Centers, Inc.; provided further, that not more than \$40,000 shall be expended for the public partnership program between the greater Lynn YMCA and YWCA and the public partnership program between the town of Saugus and the Saugus YMCA and YWCA; provided further, that not more than \$60,000 shall be expended for the Billerica Boys and Girls Club; provided further, that not more than \$150,000 shall be expended for the Massachusetts Alliance of Boys and Girls Clubs; provided further, that the executive office and its agencies, when contracting for services on the islands of Martha's Vineyard and Nantucket, shall take into consideration the increased costs associated with the provision of goods, services and housing on the islands; provided further, that for the purposes of pharmaceutical purchasing, all agencies under the jurisdiction of said executive office, including the state office of pharmacy services within the department of public health and the department of corrections, shall collaborate with the division of medical assistance and incorporate said division's preferred drug list, the MassHealth Drug List, so-called, into each agency's purchasing practices; and provided further, that not later than January 20, 2004, said

executive office shall submit a report to the house and senate committees on ways and means detailing the savings achieved by mandating the use of this uniform drug list and the effect, if any, of this list on the delivery of services and pharmaceuticals to clients ..... \$2,083,812

~~agency's purchasing practices; and provided further, that not later than January 20, 2004, said executive office shall submit a report to the house and senate committees on ways and means detailing the savings achieved by mandating the use of this uniform drug list and the effect, if any, of this list on the delivery of services and pharmaceuticals to clients..... \$1,583,812~~

#### Division of Medical Assistance.

4000-0300

For the operation of the division, including the administrative, contracted services and non-personnel systems costs related to the implementation and operation of programs authorized by sections 9A to 9C, inclusive, and sections 16B and 16C of chapter 118E of the General Laws; provided, that such costs shall include, but not be limited to, pre-admission screening, utilization review, medical consultants, disability determination reviews, health benefit managers, interagency service agreements, the management and operation of the central automated vendor payment system, including the recipient eligibility verification system, vendor contracts to upgrade and enhance the division's central automated vendor payment system, the medicaid management information system, so-called, and the recipient eligibility verification system MA21, so-called, costs related to the information technology chargebacks, contractors responsible for system maintenance and development, personal computers and other information technology equipment used by the division; provided further, that 50 per cent of the cost of provider point of service eligibility verification devices purchased by the division shall be assumed by the providers utilizing the devices; provided further, that the division shall assume the full cost of provider point of service eligibility verification devices utilized by any and all participating dental care providers; provided further, that in consultation with the division of health care finance and policy, the division shall not approve any increase in existing medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs which must be incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that expenditures for the purposes of each item appropriated to the division by this act shall be accounted for according to such purpose on the Massachusetts management accounting and reporting system not more than ten days after such expenditures have been made by the medicaid management information system; provided further, that the division shall not make expenditures that are not federally reimbursable, except as specifically authorized herein, or unless made for cost containment efforts the purposes and amounts of which have been submitted to the house and senate committees on ways and means 30 days prior to making such expenditures; provided further, that the division may continue to recover provider overpayments made in the current and prior fiscal years through the medicaid management information system, and that such recoveries shall be deemed current fiscal year expenditure refunds, so-called; provided further, that the division shall report quarterly to the house and senate committees on ways and means the amounts of said expenditure refunds credited to each item of appropriation; provided further, that the division shall report quarterly to the house and senate committees on ways and means the amount of hand generated payments, so-called, to providers by item of appropriation from which said payments were made; provided further, that the division shall submit a report to the house and senate committees on ways and means detailing projected expenditures for fiscal years 2004 and 2005 for this item and items 4000-0320, 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0860, 4000-0870, 4000-0880, 4000-0890, 4000-0895, 4000-0990, 4000-0991, 4000-0891, 4000-1400, 9110-1500, 9110-1630 and 9110-1633; provided further, that in identifying the projected expenditures, the report shall account for any and all assumptions used to project promulgated or projected changes in provider payment rates, average per-member-per-month expenditure amounts, and the methods utilized to estimate current and prospective beneficiary enrollment and benefit utilization trend; provided further, that the report shall include monthly member-month caseload, date-of-service and date-of-payment expenditure data by provider type and health benefit plan; provided further, that the report shall detail by item of appropriation any updates or budgetary revisions made subsequent to the governor's budget submission for fiscal year 2005 recommendations, including, but not limited to, any assumptions used to develop the recommendations; provided further, that the report shall be submitted not later than February 15, 2004; provided further, that no funds shall be expended by the division for the purpose of funding interpretive services directly or indirectly related to a settlement or resolution agreement, so-called, with the office of civil rights or any other office, group or entity; provided further, that interpretive services currently provided by the division shall not give rise to enforceable legal rights for any party or to an enforceable entitlement to interpretive services; provided further, that the federal financial participation received from claims filed by the division for the costs of outreach and eligibility activities performed at certain hospitals or by community health centers which are funded in whole or in part by federally permissible in-kind services or provider donations from the hospitals or health centers, shall be credited to this item and may be expended without further appropriation in an amount specified in the agreement between the division and each donating provider hospital or health center; provided further, that the federal financial participation received from claims filed by the division based on in-kind administrative services related to outreach and eligibility activities performed by certain community organizations, under the so-

division will establish a mechanism that will allow hospitals and community health centers the ability to electronically access the health benefit coverage database to assist with coordinating coverage of persons requesting uncompensated care under Chapter 118G of the general laws and medical assistance under Chapter 118E of the general laws; provided further, that the Division shall collect directly from a liable third party any amounts paid to contracted providers under Chapter 118E of the general laws for which the division later discovers another third party is liable;

provided further that by October 1, the

called "covering kids initiative" and in accordance with the federal revenue criteria in 45 CFR 74.23 or any other federal regulation which provides a basis for federal financial participation, shall be credited to this item and may be expended, without further appropriation, on administrative services including those covered under an agreement between the division and the organizations participating in the initiative; provided further, that expenditures for the purpose of a dispensing fee to retail pharmacies shall be paid for out of the Health Care Quality Improvement Trust Fund, established in section 2DDD of chapter 29 of the General Laws; 76 provided further, that no funds from items 4000-0430, 4000-0500, 4000-0600, 4000-0700, 4000-0860, 4000-0870 or 4000-0880 shall be expended for the purpose of such dispensing fees, except that funds may be expended from any such item if amounts from the Health Care Quality Improvement Trust Fund are insufficient to pay for such fees; provided further, that federal reimbursements received for administrative expenditures made pursuant to this item shall be credited proportionally to the General Fund and the Children's and Seniors' Health Care Assistance Fund, established under section 2FF of chapter 29D of the General Laws, in the same percentages as expenditures are made from this item and the funds; provided further, that notwithstanding the provisions of any general or special law to the contrary, the division shall require the commissioner of the department of mental health to approve any prior 80 authorization or other restriction on medication used to treat mental illness in accordance with written policies, procedures and regulations of the department of mental health; provided further, that said division shall annually submit on or before February first to the house and senate committees on ways and means a report detailing the cost-effectiveness of the drug prior authorization program run by said division including an analysis of: (a) the direct cost of the prior authorization program, so called; (b) the estimated amount, if any, of cost shifting to physicians in terms of additional time spent in obtaining authorization for a selected course of therapy; (c) internal program costs shifting, if any, including but not limited to additional prescriptions, laboratory tests, physician visits, hospitalization, and skilled nursing care that are associated with implementation of the prior authorization program; provided further, that each 90 report shall include all therapeutic classes that are currently subject to prior authorization; provided further, that any contractor retained by said division to develop and prepare said annual report shall not be related to any contractor retained by the state to develop and implement said prior authorization program; provided further, that notwithstanding any general or special law to the contrary, the division of medical assistance shall seek federal approval under section 1115(a) of the Social Security Act to implement a pilot program that would require all persons who qualify for the MassHealth program pursuant to section 16 of Chapter 118E of the General Laws and all others who qualify under the division's disability criteria but are currently not receiving supplemental security income benefits due to federal income rules to be enrolled in a cost efficient community-based managed care plan; provided further, that 100 said division shall report to the house and senate committees on ways and means within ten days of receiving federal approval for such a waiver and shall include in said report a detailed analysis by line item of anticipated savings in spending expected from such changes to the care of this disabled population; provided further, that the division shall take all steps necessary to ensure full implementation of this program by January 1, 2004; provided further, that said waiver application shall be submitted to the federal centers of medicare and medicaid services by August 15, 2003; and provided further, that upon federal approval and demonstrated success of this pilot program, as determined by the division and the General Court, all disabled MassHealth enrollees shall be required to enter a community-based managed care program beginning in fiscal year 2005 ..... \$117,462,349

General Fund .....	85.84%
Children's and Seniors' Health	
Care Assistance Fund .....	14.16%

4000-0320

The division of medical assistance may expend an amount not to exceed \$70,000,000 from the monies received from recoveries of any prior year expenditures and collections from liens, estate recoveries, third party recoveries, drug rebates, accident and trauma recoveries, case mix recoveries, computer audits, insurance recoveries, provider overpayment recoveries, bankruptcy settlements, masspro and healthpro refunds, medicaid fraud returns, data match returns, medicare appeals and program and utilization review audits; provided, that any revenues collected by the division that are not attributable to the aforementioned categories shall be deposited in the General Fund and shall be tracked separately; provided further, that additional categories of recoveries and collections may be credited to this item after providing written notice to the house and senate committees on ways and means; provided further, that no funds from this item shall be used for the purposes of item 4000-0300; provided further, that expenditures from this item shall be limited solely to payments for the provision of medical care and assistance rendered in the current fiscal year; provided further, that the division shall file quarterly with the house and senate committees on ways and means, a report delineating the amount of current year rebates from pharmaceutical companies or other current year collections which are being used to supplement current year expenditures; and provided further, that additional categories of recoveries and collections, including the balance of any personal needs accounts collected from nursing and other medical institutions and a recipients

death and held by the division for more than three years, may, notwithstanding the provisions of any general or special law to the contrary, be credited to this item after providing written notice to the house and senate committees on ways and means and the secretary of administration and finance .....

\$70,000,000

4000-0430

For the commonhealth program to provide primary and supplemental medical care and assistance to disabled adults and children under sections 9A, 16 and 16A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; provided further, that the division shall maximize federal reimbursement for state expenditures made on behalf of said adults and children; and provided further, that the division shall adhere to the same time standards for processing of a commonhealth application as govern applications under Title XIX of the Federal Social Security Act namely within 45 days of receipt of a completed application or within 90 days if a determination of disability is required .....

\$49,700,000

4000-0500

For health care services provided to medical assistance recipients under the division's primary care clinician/mental health and substance abuse plan or through a health maintenance organization under contract with the division; provided, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall be made only for the purposes expressly stated herein; provided further, that the commissioners of medical assistance and mental health shall report quarterly to the house and senate committees on ways and means relative to the performance of the managed care organization under contract with the division to administer the mental health and substance abuse benefit; provided further, that such quarterly reports shall include, but not be limited to, analyses of utilization trends, quality of care and costs across all service categories and modalities of care purchased from providers through the mental health and substance abuse program, including those services provided to clients of the department of mental health; provided further, that payment of any additional amounts for administration to its mental health and substance abuse benefits contractor, including any financial or performance incentives, shall be contingent on the contractor first providing to the house and senate committees on ways and means an analysis of the difference between inpatient and outpatient provider costs and the rates of payment by said contractor; provided further, that such analysis shall include a plan to address such difference, if any, between said costs and payments; and provided further, that not less than \$5,000,000 shall be expended for disproportionate share payments for inpatient services provided at pediatric specialty hospitals and units .....

\$2,328,700,000

4000-0600

For health care services provided to medical assistance recipients under the division's senior care plan; provided, that funds may be expended from this item for health care services provided to these recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; provided further, that expenditures from this item shall include a demonstration project known as the "community choices" initiative, so-called; provided further, that under said demonstration, eligible MassHealth enrollees in the section 2176 elder care waiver, so-called, shall be covered for any needed community services, from among those services available under said waiver or under the Commonwealth's Title XIX state plan, for the purpose of delaying or preventing an imminent nursing home admission; provided further, that elders enrolled in said waiver at risk of imminent nursing home admission shall be provided information about the availability of such services; provided further, that the criteria for determining whether an elder is at imminent risk of nursing home admission shall be defined in an interagency agreement between the division and the executive office of elder affairs and such determination may be delegated to a third party pursuant to the terms of such agreement; provided further, that for elders who, pursuant to the aforementioned interagency agreement, have been determined to be at such imminent risk, have chosen to remain in the community, and for whom community care is medically appropriate, the division shall establish a funding level that, on a monthly average basis, is equal to fifty percent of the median monthly per capita expenditure made by the division for nursing facility services provided to elders; provided further, that such funding level may include the costs of needed waiver services or other needed community services available to said elders under said state plan; provided further, that said interagency agreement shall be amended to implement said demonstration project and shall describe how said funding level will be made available to meet the costs of needed waiver services or other needed community services available to said elders under said state plan; provided further, that the division shall enter into an agreement with each aging service access point participating in said demonstration, which shall describe a system to be followed by each aging service access point, in accordance with state law and requirements under Title XIX of the Social Security Act, for coordination of both waiver and non-waiver community services needed by such eligible elders; provided further, that each aging services access point receiving funds under said demonstration project shall submit monthly reports to the division of medical assistance and to the executive office of elder affairs on the care provided and the

that \$1,100,000 shall be available for the provision of medical interpreter services to MassHealth members in emergency rooms or acute psychiatric units within acute care or psychiatric hospitals; and provided further, that not less than twenty percent of said amount shall be expended for grants awarded through a competitive bidding process intended for demonstrate innovative methods to improve interpreter services and contain costs

further, that children shall be determined eligible for the medical care and assistance if the children meet the disability standards as defined by the division of medical assistance on July 1, 1995; and that the disability standards shall be no more restrictive than the standards in effect provided

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provided further, that not more than \$75,000 shall be made available from this item to reimburse providers of dementia-specific adult day care at the rate period paid on January 1, 2003; provided further, that within the amount to be expended on title XIX home health services the division of medical assistance is hereby directed to establish a demonstration program to allow for the use of technology in the provision of home health services; provided further, that said demonstration project shall establish a tiered rate system of reimbursement under the Medicaid program; provided further, that technology shall mean the following: information services, devices, that make documentation, charting, and staff time more efficient or that encourages and allows for care through alternative settings including, but not limited to, touch screens, monitors, hand-helds, wipe cards, motion detectors, pagers, telemedicine, medication dispensers, and equipment to monitor vital signs and self-injections, and to observe skin and other conditions; provided further, that

said division shall implement said demonstration program within thirty days of the passage of this act; provided further, that said division shall collect data on the cost savings achieved by said program, outcome measures, and patient satisfaction information six months after the implementation date, and at the end of one year, and shall provide a report of the findings to the house and senate ways and means committees

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service expenditures made under said 2176 elder care waiver and such other information as specified by the division and said executive office; provided further, that the division and the executive office of elder affairs shall each prepare a report on all relevant costs and savings associated with said demonstration project; provided further, that said report shall be submitted to the house and senate committees on ways and means by November 1, 2004; and provided further, that said division shall in correlation with the senior care options program explore options for enrolling the senior care population into managed care programs through federal waivers or other necessary means.

\$1,564,500,000

4000-0700

For health care services provided to medical assistance recipients under the division's health care indemnity/third party liability plan and medical assistance recipients not otherwise covered under the division's managed care or senior care plans; provided, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years; provided further, that no payment for special provider costs shall be made from this item without the prior written approval of the secretary of administration and finance; and provided further, that expenditures from this item shall be made only for the purposes expressly stated herein

\$1,264,700,000

4000-0860

For MassHealth benefits provided to children and adults under clauses (a), (b), (c), (d) and (h) of subsection 2 of section 9A of chapter 118E of the General Laws; provided, that no funds shall be expended from this item for children and adolescents under said clause (c) of said subsection 2 whose family incomes, as determined by the division, exceed 150 per cent of the federal poverty level; provided further, that funds may be expended from this item for health care services provided to the recipients in prior fiscal years; and provided further, that all federal reimbursements received for expenditures from this item under the provisions of Title XIX and Title XXI of the Federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund

\$376,300,000

Children's and Seniors' Health

Assistance Fund 100.00%

4000-0870

For health care services provided to adults participating in the medical assistance program pursuant to clause (g) of subsection 2 of section 9A of chapter 118E of the General Laws; provided, that funds may be expended from this item for health care services provided to said recipients in prior fiscal years

\$91,800,000

4000-0875

For the provision of benefits to eligible women who require medical treatment for either breast or cervical cancer in accordance with 1902(a)(10)(A)(ii)(XVIII) of the Breast and Cervical Cancer Prevention and Treatment Act of 2000, Public Law 106-354, and in accordance with section 10D of chapter 118E of the General Laws; provided, that the division shall seek to obtain federal approval to limit the provision of said benefits to women whose income, as determined by the division, does not exceed 250 per cent of the federal poverty level; provided further, that eligibility for such benefits shall be extended solely for the duration of such cancerous condition; provided further, that prior to the provision of any benefits covered by this item, said division shall require screening for either breast or cervical cancer at the comprehensive breast and cervical cancer early detection program operated by the department of public health, in accordance with item 4570-1503 of section 2D; provided further, that the division shall seek to obtain federal approval for the implementation of a cost sharing system, including co-pays and sliding scale premiums for women whose annual income is between 133 per cent and 250 per cent of the federal poverty level; provided further, that funds shall only be expended and such program implemented, subject to federal approval and the availability of federal financial participation; and provided further, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX of the federal Social Security Act shall be credited to the General Fund

\$2,784,551

4000-0880

For MassHealth benefits under clause (c) of subsection 2 of section 9A and section 16C of chapter 118E of the General Laws for children and adolescents whose family incomes as determined by the division are above 150 per cent of the federal poverty level; provided, that funds may be expended from this item for health care services provided to the children and adolescents in prior fiscal years; and provided further, that all federal reimbursements received for expenditures from this item under the provisions of Title XXI of the Federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance Fund

\$91,700,000

Children's and Seniors' Health

Care Assistance Fund 100.00%

4000-0890

For the cost of health insurance premium subsidies paid to employees of small businesses participating in the insurance reimbursement program pursuant to the provisions of section 9C of chapter 118E of the General Laws; provided, that all federal reimbursements received for expenditures from this item pursuant to the provisions of Title XIX and Title XXI of the federal Social Security Act shall be credited to the Children's and Seniors' Health Care Assistance



Fund; and provided further, that expenditures made for the purposes of this item shall not exceed the amount appropriated herein ..... \$30,846,992

Children's and Seniors' Health  
Care Assistance Fund ..... 100.00%

4000-0891 For the cost of health insurance subsidies paid to employers participating in the insurance reimbursement program under section 9C of chapter 118E of the General Laws; provided, that the division shall directly market the program to private human service providers that deliver human and social services under contract with departments within the executive office of health and human services and the executive office of elder affairs for the purpose of mitigating health insurance costs to the employers and their employees; provided further, that the division shall report monthly to the house and senate committees on ways and means and the executive office of administration and finance monthly expenditure data for the program, including the total number of employers participating in the program, the percentage of the employers who purchased health insurance for employees prior to participating in the program and total monthly expenditures delineated by payments to small employers and self-employed persons for individual, two-person family and family subsidies; provided further, that the division shall seek federal reimbursement for the payments to employers; and provided further, that any and all federal reimbursements received for expenditures from this item, under Title XIX and Title XXI of the federal social security act, shall be credited to the Children's and Seniors' Health Care Assistance Fund ..... \$6,473,121

Children's and Seniors' Health  
Care Assistance Fund ..... 100.00%

4000-0895 For the healthy start program to provide medical care and assistance to pregnant women and infants residing in the commonwealth pursuant to section 10D of chapter 118E of the General Laws, as amended by this act; provided, that the division shall determine the presumptive eligibility of low-income pregnant women for services available under Title XIX and chapter 118E of the General Laws; and provided further, that said division shall submit a report to the house and senate committees on ways and means not later than January 20, 2004 on the population served by said program delineated by federal poverty level, the cost of each segment of the population delineated by federal poverty level, as well as any long term cost savings achieved by providing said services to said populations ..... \$6,213,532

4000-0990 For the children's medical security plan to provide primary and preventive health services for uninsured children from birth through age 18; provided, that the division shall pre-screen enrollees and applicants for Medicaid eligibility; provided further, that no applicant shall be enrolled in said program until said applicant has been denied eligibility for the MassHealth program; provided further, that the MassHealth benefit-request shall be used as a joint application to determine the eligibility for both MassHealth and the children's medical security plan; provided further, that the division shall maximize federal reimbursements for state expenditures made on behalf of said children; provided further, that any projection of deficiency in this item shall be reported to the house and senate committees on ways and means not less than 90 days prior to the projected exhaustion of funding; provided further, that the department shall expend all necessary funds from this item to ensure the provision of the maximum benefit levels for this program, as authorized by section 10E of chapter 118E of the General Laws as amended by this act; provided further, that said maximum benefit levels for this program shall be made available only to those children who have been determined by the division to be ineligible for MassHealth benefits; and provided further, that the commissioner of the division shall certify quarterly in writing to the house and senate committees on ways and means that premiums established pursuant to the fourth paragraph of said section 10E of said chapter 118E have been paid by all enrollees for whom said premiums are applicable ..... \$5,317,000

General Fund ..... 76.62%  
Children's and Seniors' Health Care  
Assistance Fund ..... 23.38%

4000-0991 The department may expend an amount not to exceed \$6,557,000 in revenues collected from copays and premiums charged to Children's Medical Security Plan enrollees collected under section 10E of chapter 118E of the General Laws; provided, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system ..... \$6,557,000

4000-1400 For the purposes of providing MassHealth benefits to persons with a diagnosis of human immuno-deficiency virus with incomes up to 133 per cent of the federal poverty level; provided,

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4000-1456

For the costs of the drug insurance program authorized by section 16B of chapter 118E of the General Laws as amended by this act; provided, that amounts received by the division of medical assistance vendor as premium revenue for this program may be retained and expended by said vendor for the purposes of said program; provided further, that not less than \$250,000 of the amount appropriated herein shall be made available for the implementation of the pharmacy outreach program established by section 16B<sup>3/4</sup> of said chapter 118E, to be expended in conjunction with any private and federal funds available for said pharmacy outreach program; provided further, that notwithstanding the provisions of any general or special law to the contrary, unless otherwise prohibited by state or federal law, prescription drug coverage or benefits payable by the division of medical assistance, and the entities with which it has contracted for administration of the subsidized catastrophic drug insurance program pursuant to said section 16B of said chapter 118E shall be the payor of last resort for such program for eligible persons with regard to any other third party prescription coverage or benefits available to such eligible persons; and provided further, that expenditures for said program shall not exceed the amount appropriated herein .....\$59,000,000

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9110-1500

that funds may be expended from this item for health care services provided to these persons in prior fiscal years ..... \$14,962,424

For the provision of enhanced home care services, including case management to elders who meet the eligibility requirements of the home care program and who need services above the level customarily provided under the program to remain safely at home, including elders previously enrolled in the managed care in housing, enhanced community options, and chronic care enhanced services programs; provided, that the secretary of health and human services, in collaboration with the commissioner of medical assistance, shall actively seek to obtain federal financial participation for any and all services provided to seniors who qualify for Medicaid benefits pursuant to the section 2176 waiver ..... \$37,488,337

~~9110-1630~~

~~For contracts with aging service access points or other qualified entities for the home care program, including home care, health aides, home health and respite services and other services provided to the elderly; provided, that a sliding fee shall be charged to qualified elders; provided further, that the secretary of health and human services may waive collection of sliding fees in cases of extreme financial hardship; provided further, that not more than \$7,500,000 in revenues accrued from sliding fees shall be retained by the individual home care corporations without re-allocation by the executive office of health and human services, and shall be expended for the purposes of the home care program, consistent with guidelines to be issued by the executive office; provided further, that the executive office shall report quarterly to the house and senate committees on ways and means on the receipt and expenditure of revenues accrued from the sliding fees; provided further, that the executive office shall report monthly to the house and senate committees on ways and means and the executive office for administration and finance on the amount expended from this item for purchase of service expenditures by category of service as set forth in 651 C.M.R. 3.01 and 651 C.M.R. 3.06; provided further, that no rate increase shall be awarded in fiscal year 2004 which would cause a reduction in client services or the number of clients served; provided further, that no funds shall be expended from this item to pay for salary increases for direct service workers who provide state-funded homemaker and home health aide services, which would cause a reduction in client services; and provided further, that the secretary of health and human services may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1633 for case management services and the administration of the home care program ..... \$94,156,158~~

~~9110-1633~~

~~For contracts with aging service access points, so-called, or other qualified entities for home care case management services and the administration of the home care corporations funded through item 9110-1630 and item 9110-1500; provided, that such contracts shall include the costs of administrative personnel, home care case managers, travel, rent and other costs deemed appropriate by the executive office of health and human services; provided further, that no funds appropriated in this item shall be expended for the enhancement of management information systems; and provided further, that the secretary of health and human services may transfer an amount not to exceed 3 per cent of the funds appropriated herein to item 9110-1630 ..... \$66,044,804~~

Division of Health Care Finance and Policy.

4100-0060

For the operation of the division and the administration of the uncompensated care pool established pursuant to chapter 118G of the General Laws; provided, that notwithstanding the provisions of any general or special law to the contrary, the assessment to acute hospitals authorized pursuant to section 5 of said chapter 118G for the estimated expenses of the division shall include in fiscal year 2004, the estimated expenses, including indirect costs, of the division and shall be equal to the amount appropriated in this item less amounts projected to be collected in fiscal year 2004 from: (1) filing fees; (2) fees and charges generated by the division's publication or dissemination of reports and information; and (3) federal financial participation received as reimbursement for the division's administrative costs; provided further, that said assessed amount shall be not less than 65 per cent of the division's expenses as specified herein; provided further, that the division shall promulgate regulations requiring all hospitals receiving payments from the uncompensated care pool to report to the division the following utilization information: the number of inpatient admissions and outpatient visits by age category, income category, diagnostic category and average charge per admission; provided further, that the division shall submit quarterly to the house and senate committees on ways and means a summary report compiling said data; provided further, that the division, in consultation with the division of medical assistance, shall not promulgate any increase in medicaid provider rates without taking all measures possible under Title XIX of the Social Security Act or any successor federal statute to ensure that rates of payment to providers do not exceed such rates as are necessary to meet only those costs incurred by efficiently and economically operated providers in order to provide services of adequate quality; provided further, that the division shall meet the reporting requirements of section 25 of chapter 203 of the acts of 1996; provided further, that the division shall share financial data and expertise

about the Massachusetts health care industry with the Massachusetts institute for social and economic research for the purpose of enhancing, developing and marketing data products for the public; provided further, that the division and the institute shall share any revenue generated through sale, licensure, royalty and usage fees charged for said data products; provided further, that not later than October 24, 2003, the division shall submit to the comptroller and to the house and senate committees on ways and means a report describing the method by which the division shall generate revenues through said sale, licensure, royalty, and usage fees in an amount sufficient to meet 25 per cent of the projected costs of the division in any fiscal year, as required by section 612 of chapter 151 of the acts of 1996; provided further, that for hospital fiscal year 2004, the private sector liability of purchasers and third party payers to the Uncompensated Care Trust Fund established pursuant to section 18 of chapter 118G of the General Laws shall be \$315,000,000; provided further, that for state fiscal year 2004, notwithstanding the provisions of any general or special law to the contrary, \$30,000,000 generated by federal financial participation made available under Title XIX of the federal Social Security Act to reimburse the costs of said trust fund for disproportionate share hospitals shall be deposited into said trust fund; provided further, that the division shall publish annual reports on the financial condition of hospitals and other health care providers through the Health Benchmarks project website, in collaboration with the executive office of health and human services, the office of the attorney general, and the University of Massachusetts; provided further, that said division shall submit to the house and senate committees on ways and means not later than December 6, 2003 a report detailing utilization of the uncompensated care pool; provided further, that said report shall include: (1) the number of persons in the commonwealth whose medical expenses were billed to said pool in fiscal year 2003; (2) the total dollar amount billed to said pool in fiscal year 2003; (3) the demographics of the population using said pool, and; (4) the types of services paid for out of said pool funds in fiscal year 2003; provided further, that the division shall include in said report an analysis on hospitals' responsiveness to enrolling eligible individuals into the MassHealth program, so-called, upon the date of service rather than charging said individuals to the uncompensated care pool; provided further, that said division shall include in said report possible disincentives the state could provide to hospitals to discourage such behavior; provided further, that notwithstanding the provisions of any general or special law or rule or regulation to the contrary, said division shall not allow any exceptions to the usual and customary charge defining rule, so called, as defined in 114.3 CMR 31.02, for the purposes of drug cost reimbursement to eligible pharmacy providers for publicly aided and industrial accident patients; provided further, that the division is hereby authorized to change the pricing standard used by said division when determining the rate of payment to pharmacy providers for prescribed drugs for publicly-aided or industrial accident patients if such a change would financially benefit the commonwealth; provided further, that notwithstanding any general or special law to the contrary, said division shall set the rate paid for dispensing fees to retail pharmacies for prescribed drugs to publicly-aided or industrial accident patients at two dollars beginning in fiscal year 2004; and provided further, that said division shall notify the house and senate committees on ways and means within ten business days after the completion of the required public notification period necessary to implement the provisions of this item.....\$10,084,422

*Massachusetts Commission for the Blind.*

- 4110-0001 For the office of the commissioner and the bureau of research; provided, that amounts appropriated to the commission in fiscal year 2004 that extend or expand services beyond the level of services provided in fiscal year 2003 shall not annualize above the amounts in fiscal year 2005 .....\$825,292
- 4110-0003 The Massachusetts commission for the blind may expend an amount not to exceed \$114,000 from fees collected for the issuance of photo identification cards and certificates of blindness to clients of the department; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system.....\$114,000
- 4110-1000 For the community services program; provided, that the commissioner may transfer an amount not to exceed \$400,000 from this item to item 4110-2000; and provided further, that 30 days prior to any such transfer, the commissioner shall submit an allocation plan, which shall detail by subsidiary the distribution of the funds, to the house and senate committees on ways and means .....

\$3,673,070

  
~~\$0,000,000~~
- 4110-1010 For aid to the adult blind; provided, that funds may be expended from this item for burial expenses incurred in the prior fiscal year .....\$8,351,643
- 4110-1020 For eligibility determination for the medical assistance program for the blind; provided, that the commission shall work with the division of medical assistance, the department of mental

House Ways and Means Committee

retardation and other state agencies to maximize federal reimbursement for clients so determined through this item including, but not limited to, reimbursement for home and community-based waiver clients .....\$323,947

4110-2000 For the turning 22 program of the commission; provided, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services .....\$8,000,574

4110-2001 For services to clients of the department who turn 22 years of age during state fiscal year 2004; provided, that the amount appropriated herein shall not annualize to more than \$97,000 in fiscal year 2005; provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein; provided further, that the commission shall work in conjunction with the department of mental retardation to secure the maximum amount of federal reimbursements available for the care of turning 22 clients; and provided further, that the commission shall work in conjunction with the department of mental retardation to secure similar rates for contracted residential services .....\$36,500

4110-3010 For a program of vocational rehabilitation for the blind in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grants or state appropriation shall be deducted for pensions, group health and life insurance, or any other such indirect cost of federally reimbursed state employees .....\$2,588,521

4110-4000 For the administration of the Ferguson Industries for the blind; provided, that retired workshop employees shall receive grants equal to three-fourths of the salaries of current workshop employees; and provided further, that any funds received for goods and services purchased by private and public sector entities at Ferguson Industries shall be remitted to the General Fund .....\$1,884,200 ✓

*Massachusetts Rehabilitation Commission.*

4120-1000 For the operation of the commission; provided, that the commissioner shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the number of clients served and the amount expended on each type of service; provided further, that upon the written request of the commissioner of the department of revenue, the commission shall provide lists of individual clients to whom or on behalf of whom payments have been made for the purpose of verifying eligibility and detecting and preventing fraud, error and abuse in the programs administered by the commission; provided further, that the lists shall include client names and social security numbers and payee names and other identification, if different from a client's; and provided further, that amounts appropriated in items of the department that extend or expand services beyond the level of services provided in fiscal year 2003 shall not annualize above the amounts in fiscal year 2005 .....\$404,864

4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees .....\$7,189,207 ✓

4120-0000 For employment assistance services; provided, that vocational evaluation and employment services for severely physically disabled adults may, subject to appropriation, be provided .....\$7,277,598 ✓

4120-4000 For independent living assistance services; provided, that not more than \$650,000 shall be expended for assistive technology devices and training for individuals with severe disabilities .....\$7,010,512 ✓

4120-4001 For the housing registry for the disabled .....\$83,754

4120-4010 For services to clients of the department who turn 22 years of age during state fiscal year 2004; provided, that the amount appropriated herein shall not annualize to more than \$605,000 in state fiscal year 2005; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein .....\$650,000 ✓

4120-5000 For homemaking services .....\$4,342,733 ✓

4120-5050 Notwithstanding any general or special law to the contrary, the Massachusetts rehabilitation commission may expend an amount not to exceed \$2,000,000 for expanded independent living

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ITEMS  
4120-2000  
4120-3000  
4120-4000  
- FROM PAGE 42A -

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ITEM  
4120-4010  
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PAGE 42

4120-2000 For vocational rehabilitation services operated in cooperation with the federal government; provided, that no funds from the federal vocational rehabilitation grant or state appropriation shall be deducted for pensions, group health and life insurance and any other such indirect cost of the federally reimbursed state employees; and provided further, that not less than \$100,000 shall be expended on special vocational projects in Charlestown for people with disabilities ..... \$7,159,207 ✓

4120-3000 For employment assistance services; provided, that vocational evaluation and employment services for severely disabled adults may, subject to appropriation, be provided; and provided further that not less than \$100,000 shall be expended on special projects in Charlestown for people with disabilities ..... \$7,680,098 ✓

4120-4000 For independent living assistance services; provided, that not more than \$858,000 shall be expended for assistive technology devices and training for individuals with severe disabilities; and provided further that no less than \$20,000 will be used to assist the Living Independently for Equality, Inc. of Brockton ..... \$7,271,512 ✓

INSERT AFTER  
ITEM 4120-4001 ON  
PAGE 42

4120-4010 For services to clients of the department who turn 22 years of age; provided, that the amount appropriated herein shall not annualize to more than \$605,000 in state fiscal year 2005; and provided further, that nothing stated herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to the services funded herein ..... \$565,000 ✓

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and employment services from federal reimbursements received for services provided by the commission; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate reported in the state accounting system; and provided further, that the commission shall submit a report to the house and senate committees on ways and means not later than February 3, 2004, detailing the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased and the annualized impact of the expenditures in the subsequent fiscal year .....

\$2,000,000

~~4120-6000 For head injured services, provided, that the commission shall work with the division of medical assistance to maximize federal reimbursement for clients receiving head injured services.....\$7,779,149~~

4120-6002

The commission may expend an amount not to exceed \$5,000,000 from fees collected under section 20 of chapter 90 of the General Laws for rehabilitation services for head injured persons; provided, that the commission shall report to the house and senate committees on ways and means not later than January 31, 2004, detailing the use of any funds encumbered or expended from this item, including, but not limited to, the number of clients served, the types of services purchased and the annualized impact of the expenditures in the subsequent fiscal years.....

\$5,000,000

*Massachusetts Commission for the Deaf and Hard of Hearing.*

4125-0100

For the operation of and services provided by the Massachusetts commission for the deaf and hard of hearing .....

\$4,929,536

4125-0101

Notwithstanding any general or special law to the contrary, the Massachusetts commission for the deaf and hard of hearing may expend revenues in an amount not to exceed \$175,000 from charges received on behalf of interpreter services and monies received from private grants, bequests, gifts or contributions; provided, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the commission may incur expenses and the comptroller may certify for payments amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....

\$175,000

*Office of Child Care Services.*

4130-0001

For the administration of the office of child care services including field operations and licensing; provided, that the office shall issue monthly reports detailing the number and average cost of voucher and contracted child care slots funded from items 4130-3050 and 4130-3600 by category of eligibility; provided further, that the report shall include the number of recipients subject to subsection (f) of section 110 of chapter 5 of the acts of 1995 funded under item 4130-3050 that qualify for federal funding through the transitional aid to needy families fund; provided further, that the office shall report quarterly to the house and senate committees on ways and means and the secretary of administration and finance on the unduplicated number of children on waiting lists for state-subsidized child care; provided further, that the office shall administer the child care resource and referral system; provided further, that nothing contained herein shall be construed as limiting the office's authority to issue variances or grant licenses or certificates on a probationary basis as provided in 102 CMR 8.00 as in effect on May 28, 1993; provided further, that notwithstanding any general or special law to the contrary, the office shall perform post-audit reviews on a representative sample of the income eligibility determinations performed by vendors receiving funds from item 4130-3050; provided further, that the office shall report quarterly to the house and senate committees on ways and means and secretary of administration and finance on the error rate, if any, in income-eligibility determinations calculated by the post audit reviews; and provided further, that no funds from this item shall be expended for the DD subsidiary costs of the Children's Trust Fund .....

\$8,262,653

4130-0002

For the administration of the Children's Trust Fund .....

\$800,557

4130-1000

For statewide neonatal and postnatal home parenting education and home visiting programs for at-risk newborns to be administered by the Children's Trust Fund; provided, that such services shall be made available statewide to parents under the age of 21 years; and provided further, that notwithstanding any general or special law to the contrary, priority for such services shall be given to low-income parents .....

\$11,502,227

4130-2998

For child care quality expenditures; provided, that not less than \$1,402,109 shall be expended for activities to increase the supply of quality child care for infants and toddlers; provided further, that not less than \$248,603 shall be expended for resource and referral and school-age child care activities; provided further, that no funds from this item shall be used to fund capital

4120-6000 For head injured services, provided, that the commission shall work with the division of medical assistance to maximize federal reimbursement for clients receiving head injured services; and provided further, that not less than \$50,000 shall be expended for the Cape Cod head injury program.....\$7,779,149

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4130-3050 For child care vouchers and contracted child care programs for low-income families; provided, that the employment services child care program for recipients of transitional and supplemental transitional aid

to families with dependent children and the absent parents of the recipients, former recipients of the program who are working for up to one year after termination of benefits, former recipients of the program participating in education or training programs authorized by department of transitional assistance regulations, and parents under the age of eighteen currently enrolled in a job training program who would qualify for benefits under provisions of chapter 118 of the General Laws but for the deeming of grandparents' income shall be funded from this item; provided further, that post-transitional child care vouchers for former recipients of transitional aid to families with dependent children who have been working for more than one year after termination of program benefits shall be funded from this item; provided further, that income-eligible child care programs shall be funded from this item; provided further, that not fewer than 500 child care slots shall be reserved for children in the foster care program at the department of social services; provided further, that child care for the children of teen parents receiving transitional aid to families with dependent children benefits, teen parents receiving supplemental security income payments and whose dependent children receive the aid, and teen parents at risk of becoming eligible for transitional aid to families with dependent children benefits shall be paid from this item; provided further, that all teens eligible for year-round full-time child care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations promulgated for the program of transitional aid, whether or not such teens are recipients of benefits from the program; provided further, that informal child care benefits shall be funded from this item; provided further, that not more than \$2.00 per child per hour shall be paid for such services; provided further, that child care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to child care for all eligible individuals; and provided further, that all child care providers that are part of a public school system shall be required to accept child care vouchers from recipients funded through this appropriation ..... ~~\$272,326,418~~

\$277,326,418



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assets or equipment for for-profit providers or agencies; provided further, that the commissioner of child care services shall submit written certification to the secretary of administration and finance and the house and senate committees on ways and means that all planned expenditures and allocations from this item shall have no fiscal impact beyond fiscal year 2004; and provided further, that no funds may be expended, obligated or transferred from this item prior to the submission of this certification ..... \$4,100,000

4130-3050

For child care vouchers and contracted child care programs for low-income families; provided, that the employment services child care program for recipients of transitional and supplemental transitional aid to families with dependent children and the absent parents of the recipients, former recipients of the program who are working for up to one year after termination of benefits, former recipients of the program participating in education or training programs authorized by department of transitional assistance regulations, and parents under the age of eighteen currently enrolled in a job training program who would qualify for benefits under provisions of chapter 118 of the General Laws but for the deeming of grandparents' income shall be funded from this item; provided further, that post-transitional child care vouchers for former recipients of transitional aid to families with dependent children who have been working for more than one year after termination of program benefits shall be funded from this item; provided further, that income-eligible child care programs shall be funded from this item; provided further, that not fewer than 500 child care slots shall be reserved for children in the foster care program at the department of social services; provided further, that child care for the children of teen parents receiving transitional aid to families with dependent children benefits, teen parents receiving supplemental security income payments and whose dependent children receive the aid, and teen parents at risk of becoming eligible for transitional aid to families with dependent children benefits shall be paid from this item; provided further, that all teens eligible for year-round full-time child care services shall be participating in school, education, work and training-related activities or a combination thereof for at least the minimum number of hours required by regulations promulgated for the program of transitional aid, whether or not such teens are recipients of benefits from the program; provided further, that informal child care benefits shall be funded from this item; provided further, that not more than \$2.00 per child per hour shall be paid for such services; provided further, that child care slots funded from this item shall be distributed geographically in a manner that provides fair and adequate access to child care for all eligible individuals; and provided further, that all child care providers that are part of a public school system shall be required to accept child care vouchers from recipients funded through this appropriation ..... \$277,326,413 ✓

4130-3100

For the regional administration of child care programs and related child care activities; provided, that the activities shall include, but not be limited to, voucher management, child care provider training, resource and referral for children with disabilities in child care programs, community-based programs that provide direct services to parents, and coordination of waiting lists for state-subsidized child care; and provided further, that no funds shall be expended from this item for AA subsidiary payroll expenses, so-called ..... \$10,043,732

4130-3600

For supportive child care associated with the family stabilization program; provided, that funds from this item shall only be expended for child care costs of children with active cases at the department of social services ..... \$48,344,206

*Soldiers' Home in Massachusetts.*

4180-0100

For the maintenance and operation of the Soldiers' Home in Massachusetts located in the city of Chelsea, including a specialized unit for the treatment of Alzheimer's disease patients; provided, that graduates from the LPN school of nursing shall be required to work in state operated facilities for a minimum duration of one year ..... \$22,442,947

4180-1100

The Soldiers' Home in Massachusetts located in the city of Chelsea may expend revenues up to a maximum of \$207,000 for facility maintenance and patient care, including personnel costs; provided, that 60 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws, through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with said license plates, shall be deposited into and for the purposes of this retained revenue account of said Soldiers' Home; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued ..... \$207,000

*Soldiers' Home in Holyoke.*

4190-0100

For the maintenance and operation of the Soldiers' Home in Holyoke including the adult day

care program, the Maguder House and the Chapin Mansion; provided, that in the operation of the outpatient pharmacy, said Soldiers' Home shall cover the cost of drugs prescribed at said Soldiers' Home, excluding the required co-payment, only when the veteran has no access to other drug insurance coverage, including coverage through the program authorized by section 39 of chapter 19A of the General Laws .....

**\$16,591,209**  
~~\$10,470,289~~

- 4190-0102 The Soldiers' Home in Holyoke may expend for the outpatient pharmacy program an amount not to exceed \$225,000 from co-payments which it is hereby authorized to charge to users of said program; provided, that the rates of said co-payments and the procedures for the administration thereof shall annually be determined by the superintendent of said soldiers' home and approved by the secretary of health and human services; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system ..... \$225,000
- 4190-1100 The Soldiers' Home in Holyoke may expend revenues up to a maximum of \$163,000 for facility maintenance and patient care, including personnel costs; provided, that 40 per cent of all revenues generated pursuant to section 2 of chapter 90 of the General Laws, through the purchase of license plates with the designation VETERAN by eligible veterans of the commonwealth, upon compensating the registry of motor vehicles for the cost associated with the license plates, shall be deposited into and for the purposes of this retained revenue account of said Soldiers' Home; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, said Soldiers' Home may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system, prior appropriation continued ..... \$163,000

*Department of Youth Services.*

- 4200-0010 For the administration of the department of youth services; provided, that the department shall submit a report to the house and senate committees on ways and means not later than February 1, 2004, detailing the caseload for all department programs funded in items 4200-0100, 4200-0200 and 4200-0300; provided further, that the commissioner of youth services, in conjunction with the department of education, shall submit a report to the house and senate committees on ways and means not later than February 1, 2004 on the status of educational resources at the department of youth services; provided further, that said report shall review teacher retention, compare salaries within the department and to statewide averages, and analyze the related impact on the quality of educational services provided to youths in the custody of the department; and provided further, that the report shall include recommendations for the improvement of educational resources and costs associated with the improvements ..... \$4,573,420
- 4200-0100 For supervision, counseling and other community-based services provided to committed youths in non-residential care programs of the department; provided, that the commissioner may transfer up to 7 per cent of the amount appropriated herein to items 4200-0200 and 4200-0300; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer ..... \$19,100,580
- 4200-0200 For pre-trial detention programs, including purchase-of-service and state-operated programs; provided, that the commissioner may transfer up to 7 per cent of the amount appropriated herein to items 4200-0100 and 4200-0300; and provided further, that 30 days before any transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer ..... \$18,083,924
- 4200-0300 For secure facilities, including purchase-of-service and state-operated programs incidental to the operations of the facilities; provided, that not less than \$250,000 be expended for non-contracted services located within the commonwealth; provided further, that the commissioner may transfer up to 5 per cent of the amount appropriated herein to items 4200-0100 and 4200-0200; and provided further, that 30 days before any such transfer is made, the commissioner shall file with the secretary of administration and finance and the house and senate committees on ways and means a plan showing the amounts to be transferred and the reason for the proposed transfer ..... \$81,253,668

*Department of Transitional Assistance.*

4400-1000

For the central administration of the department, including the development and maintenance of automated data processing systems and services in support of department operations, and for the administration of department programs in local transitional assistance offices, including the expenses of operating a food stamp program; provided further, that all costs associated with verifying disability for all programs of the department shall be paid from this item; provided further, that the department shall submit on a monthly basis to the house and senate committees on ways and means and the secretary of administration and finance a status report on program expenditures, savings and revenues, error rate measurements, public assistance caseloads and benefits; provided further, that the report shall comprehensively track statewide use of the emergency assistance program by eligibility category including, but not limited to, caseload, average length of use or stay and monthly expenditures; provided further, that the department shall collect all out-of-court settlement restitution payments; provided further, that the restitution payments shall include, but not be limited to, installment and lump sum payments; provided further, that notwithstanding any general or special law to the contrary, unless otherwise expressly provided, federal reimbursements, other than transitional aid to needy families funds, received for the purposes of the department, including reimbursements for administrative, fringe and overhead costs, for the current fiscal year and prior fiscal years, shall be credited to the General Fund; provided further, that under 21 U.S.C. section 862a(d)(1), the department shall exempt individuals from the eligibility restrictions of 21 U.S.C. section 862a, except that individuals incarcerated for a conviction which would otherwise be disqualifying under 21 U.S.C. section 862a(a) shall not be eligible for cash assistance funded through item 4403-2000 during the first 12 months after release from a correctional institution unless the individual qualifies for an exemption under subsection (e) of section 110 of chapter 5 of the acts of 1995 or a domestic violence waiver; provided further, that an application for assistance under chapter 118 of the General Laws shall be deemed an application for assistance under chapter 118E; provided further, that if assistance under chapter 118 is denied, the application shall be transmitted by the department to the division of medical assistance for a determination of eligibility under chapter 118E; provided further, that the department shall continue policies to increase participation in the food stamp program; provided further, that the department shall, to the extent feasible within the appropriation provided, provide for extended office hours; provided further, that the department shall accomplish the staffing of these extended office hours to the maximum extent possible through the use of flex-time that will allow workers to modify their working hours to accommodate their specific personal and family needs; provided further, that the department shall, to the extent feasible within the appropriation provided, continue and expand the program of placing workers at community and human service organizations for the purposes of facilitating food stamp applications and re-determinations; and provided further, that the department shall report to the house and senate committees on ways and means not later than December 15, 2003 on the extended office hours and placement of workers at community and human service organizations that the department has determined is feasible within the appropriation provided and that the department will provide in the current fiscal year.. \$117,556,865

4401-1000

For a program to provide employment and training services for recipients of benefits provided under the program of transitional aid to families with dependent children; provided, that certain parents who have not yet reached the age of 18 years, including those who are ineligible for transitional aid to families with dependent children, and who would qualify for benefits under chapter 118 of the General Laws, but for the deeming of the grandparents' income, shall be allowed to participate in the employment services program; provided further, that funds from this item may be expended for employment and training courses, pre-employment skills training and education programs, re-employment services, ~~job search assistance~~, vocational training services, job retention services, structured subsidized employment services, adult basic education, graduate equivalency degree courses, English as a second language courses and training programs for persons with limited English proficiency, and emergency work-related expenses for recipients, including emergency transportation costs; provided further, that the department shall inform all recipients and applicants of the full range of programs available under this program; provided further, that funds may be allocated from this item to other agencies for the purposes of this program; provided further, that the department of transitional assistance shall report monthly to the house and senate committees on ways and means on continued efforts to improve the efficacy of employment and training services for recipients under the program of transitional aid to families with dependent children; provided further, that the report shall include the number of recipients served by each program, services provided in each program, costs of services provided, and outcomes data including number of participants employed and, salaries, and benefit information; and provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or in enforceable entitlement to services \$11,017,679

4403-2000

For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, ~~benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided~~

provided further, that funds may be expended for substantive, pre-employment education and training programs provided by the workforce investment areas, so-called, and community colleges designed to remove barriers to employment; provided further, that expenditures for other services authorized by this item shall be limited to the extent necessary to enable the department to comply with the preceding provisions

provided further, that 1,950,000 shall be expended for the young parent programs;

4403-2000

For a program of transitional aid to families with dependent children; provided, that notwithstanding any general or special law to the contrary, benefits under the program of transitional aid to families with dependent children shall be paid only to citizens of the United States and to non-citizens for whom federal funds may be used to provide benefits; provided further, that notwithstanding any general or special law, or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2003; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995 shall be  $2\frac{3}{4}$  per cent below the otherwise applicable payment standard, in fiscal year 2004, pursuant to the provisions of the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify all teen parents receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2003; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September, 2003; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the three month period following such month of payment,

and who, if such child had been born and was living with her in the month of payment would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, so-called, family-based child care, so-called, and in-home relative child care, so-called; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits, so-called, and post-transitional benefits, so-called; provided further, that the department shall work with the office of child care services to ensure that both recipients currently receiving benefits and former recipients during the one year period following termination of benefits are provided written and verbal information about child care services; provided further, that the notice shall further advise recipients of the availability of food stamps benefits; provided further, that not less than \$318,074 shall be expended for the purposes of the operation of the Transportation Assistance Program operated by the Traveler's Aid Society of Boston; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of, benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes or both, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, the proposed changes; and provided further, that notwithstanding any general or special law to the contrary, the comptroller shall transfer any unexpended balance remaining in this item at the close of the fiscal year to the Caseload Increase Mitigation Fund .....

~~\$326,374,779~~

\$321,374,779 ✓

further, that notwithstanding any general or special law, or any provisions of this act to the contrary, no benefits under this item shall be made available to illegal or undocumented aliens; provided further, that the need standard shall be equal to the standard in effect in fiscal year 2003; provided further, that the payment standard shall be equal to the need standard; provided further, that the payment standard for families who do not qualify for an exempt category of assistance under the provisions of subsection (e) of section 110 of chapter 5 of the acts of 1995 shall be 2 3/4 per cent below the otherwise applicable payment standard, in fiscal year 2004, pursuant to the provisions of the state plan required under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; provided further, that the department shall notify all teen parents receiving benefits from the program of the requirements found in clause (2) of subsection (i) of said section 110 of said chapter 5; provided further, that a \$40 per month rent allowance shall be paid to all households incurring a rent or mortgage expense and not residing in public housing or subsidized housing; provided further, that a nonrecurring children's clothing allowance in the amount of \$150 shall be provided to each child eligible under this program in September 2003; provided further, that the children's clothing allowance shall be included in the standard of need for the month of September, 2003; provided further, that benefits under this program shall not be available to those families where a child has been removed from the household pursuant to a court order after a care and protection hearing on child abuse, nor to adult recipients otherwise eligible for transitional aid to families with dependent children but for the temporary removal of the dependent child or children from the home by the department of social services in accordance with department procedures; provided further, that notwithstanding section 2 of chapter 118 of the General Laws, or any other general or special law to the contrary, the department shall render aid to pregnant women with no other eligible dependent children only if it has been medically verified that the child is expected to be born within the month such payments are to be made or within the three month period following such month of payment, and who, if such child had been born and was living with her in the month of payment, would be categorically and financially eligible for transitional aid to families with dependent children benefits; provided further, that certain families that suffer a reduction in benefits due to a loss of earned income and participation in retrospective budgeting may receive a supplemental benefit to compensate them for such loss; provided further, that no funds from this item shall be expended by the department for child care or transportation services for the employment and training program; provided further, that no funds from this item shall be expended by the department for family reunification benefits or informal child care; provided further, that the department shall provide oral and written notification to all recipients of their child care benefits on a semi-annual basis; provided further, that the notification shall include the full range of child care options available, including center-based child care, so-called, family-based child care, so-called, and in-home relative child care, so-called; provided further, that the notification shall detail available child care benefits for current and former recipients, including employment and training benefits, transitional benefits, so-called, and post-transitional benefits, so-called; provided further, that the department shall work with the office of child care services to ensure that both recipients currently receiving benefits and former recipients during the one year period following termination of benefits are provided written and verbal information about child care services; provided further, that the notice shall further advise recipients of the availability of food stamps benefits; provided further, that funds may be expended for the purposes of the operation of the Transportation Assistance Program operated by the Traveler's Aid Society of Boston; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility for, or levels of, benefits under the program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the appropriation; provided further, that notwithstanding any general or special law or of this item to the contrary, 30 days before implementing any eligibility or benefit changes or both, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the basis for, and text of, the proposed changes; and provided further, that notwithstanding any general or special law to the contrary, the comptroller shall transfer any unexpended balance remaining in this item at the close of the fiscal year to the Caseload Increase Mitigation Fund .....

\$318,022,786

4403-2120

For certain expenses of the emergency assistance program as herein delineated: (i) contracted family shelters; (ii) transitional housing programs; (iii) programs to reduce homelessness in Barnstable, Dukes and Nantucket counties; (iv) residential education centers for single mothers with children; (v) intake centers, so-called; (vi) hotel and motel payments on behalf of homeless families; and (vii) voucher shelters, so-called; provided, that eligibility shall be limited to families with income at or below 100 per cent of the federal poverty level; provided further, that benefits under this item shall be provided only to residents who are citizens of the United States or aliens lawfully admitted for permanent residence or otherwise permanently residing under color of law in the United States; provided further, that the department shall take all steps necessary to enforce regulations to prevent abuse in the emergency assistance program; provided further, that no emergency assistance expenditures shall be paid from this

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provided further, that the department may use monies from this account to add 150 new units of scattered site and rolling stock units contracted for in FY03; provided further, that these new units shall be located in areas of greatest need to facilitate placement of eligible families within 20 miles of the home community; provided further, that these new units shall be used to reduce the population placed in hotels and motels;

item unless explicitly authorized; provided further, that no funds may be expended for heat or utility arrearages; provided further, that an otherwise eligible household shall be authorized for temporary emergency shelter even if that household has been authorized to receive a rental arrearage payment within the past 12 months; provided further, that eligible households shall be placed in shelter as close as possible to their home community, unless the household requests otherwise; provided further, if the closest available placement is not within 20 miles of the household's home community, the household shall be transferred to an appropriate shelter within 20 miles of its home community at the earliest possible date, unless the household requests otherwise; provided further, that the department shall strive to place eligible households in scattered site shelters in their home communities rather than in motels upon a determination that this action shall not entail additional costs to the family shelter program; provided further, that the department shall report quarterly to the house and senate committees on ways and means on the number of families who apply for emergency assistance funded family shelter, the number of families denied shelter, along with reasons for denials, the home community of families receiving shelter, and the number of families receiving shelter within each home community; provided further, that said report shall include information by type of shelter, on average length of stay, average cost per household served, average number of shelter slots not used either as the result of no placement being made or of a placed family not making use of shelter; provided further, that the department shall report by February 1, 2004 on the income level of families receiving shelter, the composition of families receiving shelter, the number of families who receive shelter over the course of calendar year 2003 who had previously accessed state-funded programs to reduce homelessness; provided further, that in promulgating, amending, or rescinding regulations with respect to eligibility or benefits under this program, the department shall take into account the amounts available to it for expenditure in this item so as not to exceed the amount appropriated herein; provided further, that notwithstanding the provisions of any general or special law to the contrary, 30 days before promulgating any such eligibility or benefit changes, the commissioner shall file with the house and senate committees on ways and means and with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth such proposed changes; provided further, that nothing herein shall give rise to or shall be construed as giving rise to enforceable legal rights in any party or an enforceable entitlement to services other than to the extent that such rights or entitlements exist under the regulations promulgated by the department; and provided further, that nothing in the preceding proviso shall authorize the department to alter eligibility criteria or benefit levels, except to the extent that such changes are needed to avoid a deficiency in this item ..... \$74,857,844

4405-2000

For the state supplement to the supplemental security income program for the aged and disabled, including a program for emergency needs for supplemental security income recipients; provided, that the expenses of special grants recipients residing in rest homes, as provided in section 7A of chapter 118A of the General Laws, may be paid from this item; provided further, that the department, in collaboration with the division of medical assistance, may fund an optional supplemental living arrangement category under the supplemental security income program that makes payments to persons living in assisted living residences certified under chapter 19D of the General Laws who meet the income and clinical eligibility criteria established by the department and the division; and provided further, that the optional category of payments shall only be administered in conjunction with the medicaid group adult foster care benefit ..... \$203,037,225

4406-3000

For the homelessness program to assist individuals who are homeless or in danger of becoming homeless, including assistance to organizations which provide food, shelter, housing search, and limited related services to the homeless and indigent; provided, that the department may allocate funds to other agencies for the purposes of this program; and provided further, that all organizations that received funds from this item in fiscal year 2003 shall receive funds from this item in the current fiscal year ..... \$30,000,000

4408-1000

90 percent of the

For a program of cash assistance to certain residents of the commonwealth, entitled emergency aid to the elderly, disabled and children found by the department to be eligible for such aid under chapter 117A of the General Laws and regulations promulgated by the department and subject to the limitations of appropriation therefore; provided, that benefits under this item shall only be provided to residents who are citizens of the United States or qualified alien or non-citizens otherwise permanently residing in the United States under color of law and shall not be provided to illegal or undocumented aliens; provided further, that the payment standard shall equal the payment standard in effect under the general relief program in fiscal year 1991; provided further, that the department may provide benefits to persons age 65 or older who have applied for benefits under chapter 118A of the General Laws, to persons suffering from a medically determinable impairment or combination of impairments which is expected to last for a period as determined by department regulations and which substantially reduces or eliminates the individual's capacity to support himself and which have been verified by a competent authority, to certain persons caring for a disabled person, to otherwise eligible

participants in the vocational rehabilitation program of the Massachusetts rehabilitation commission, and to dependent children who are ineligible for benefits under both chapter 118 of the General Laws and the separate program created by section 210 of chapter 43 of the acts of 1997 and parents or other caretakers of dependent children who are ineligible under said chapter 118 and under the separate program; provided further, that no ex-offender, person over age 45 without a prior work history, or person in a residential treatment facility shall be eligible for benefits under this program unless the person otherwise meets the eligibility criteria described in this item and defined by regulations of the department; provided further, that any person incarcerated in a correctional institution shall not be eligible for benefits under the program; provided further, that no funds shall be expended from this item for the payment of expenses associated with any medical review team, other disability screening process or costs associated with verifying disability for this program; provided further, that the department shall promulgate emergency regulations under chapter 30A of the General Laws to implement the changes to this program required by this act promptly and within the appropriation; provided further, that in initially implementing the program for this fiscal year, the department shall include all eligibility categories permitted herein at the payment standard in effect for the former general relief program in fiscal year 1991; provided further, that in promulgating, amending or rescinding its regulations with respect to eligibility or benefits, including the payment standard, medical benefits and any other benefits under this program, the department shall take into account the amounts available to it for expenditure by this item so as not to exceed the amount appropriated herein; provided further, that the department may promulgate emergency regulations under chapter 30A of the General Laws to implement these eligibility or benefit changes or both; provided further, that nothing herein shall be construed as creating any right accruing to recipients of the former general relief program; provided further, that the secretary of health and human services shall report monthly to the house and senate committees on ways and means for the preceding month on the number of persons applying for benefits under this program, by category, age and disability, if any, and the number of persons receiving and denied benefits under this program by category, age and disability, if any; provided further, that reimbursements collected from the social security administration on behalf of former clients of the emergency aid to the elderly, disabled and children program, or unprocessed payments from the program that are returned to the department shall be credited to the General Fund; provided further, that notwithstanding any general or special law to the contrary, the funds made available herein shall be the only funds available for the program, and the department shall not spend funds for the program in excess of the amount made available herein; and provided further, that notwithstanding any general or special law, or of this item to the contrary, 30 days before implementing any eligibility or benefit changes, or both, the commissioner shall file with the clerks of the house of representatives and the senate a determination by the secretary of health and human services that available appropriations for the program will be insufficient to meet projected expenses and a report setting forth the proposed changes ..... \$63,891,268

*Department of Public Health.*

4510-0099 The department may expend an amount not to exceed \$2,825,970 in revenues collected from licensing, inspections and records for costs of the administration of the department, the bureau of environmental health assessment and the division of health care quality; provided, that the fees, in their entirety, collected from licensing users of radioactive material, licensing practitioners for controlled substance registration and licensing health care facilities shall not be credited to this item, but shall be deposited into accounts 4510-0615, 4510-0616 and 4510-0712, respectively; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system ..... \$2,825,970

4510-0100 For the operation of the department, the determination of need program, established under section 25C of chapter 111 of the General Laws, the health statistics program, including the operation of a cancer registry and occupational lung disease registry and the continuation of the cardiac surgery data collection and validation program to collect and validate data from all hospitals in the commonwealth that perform open heart surgery; provided, that the position of assistant commissioner shall not be subject to chapter 31 of the General Laws; and provided further, that the department may consult with the ALS Therapy Development Foundation to study the current level of research for the prevention and treatment of amyotrophic lateral sclerosis in the commonwealth ..... \$21,818,643

~~4510-0110 For community health center services; provided, that not more than \$249,000 may be expended for the purpose of a provider loan repayment program at community health centers; provided further, that the department shall submit a tentative allocation schedule of the community health center grants to the house and senate committees on ways and means not~~



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4510-0110 For community health center services; provided, that not more than \$249,000 may be expended for the purpose of a provider loan repayment program at community health centers; provided further, that the department shall submit a tentative allocation schedule of the community health center grants to the house and senate committees on ways and means not later than March 1, 2004; provided further, that not less than \$100,000 shall be expended for the Elder Health Center in Saugus; provided further, that not more than \$90,000 shall be expended for the Duffy Health Clinic in Hyannis; and provided further, that no funds shall be expended in the AA subsidiary, so-called, for the compensation of state employees.....\$4,649,485

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~~later than March 1, 2004, and provided further, that no funds shall be expended in the AA subsidiary, so-called, for the compensation of state employees.~~

~~\$4,540,485~~

4510-0150

For the managed care program at community health centers known as CenterCare established pursuant to section 24F of chapter 111 of the General Laws; provided, that the department shall assist professional and nonprofit agencies dedicated to the advancement of the scope and nature of health care services delivered in communities by community health centers and to pursue available federal technical assistance funding; provided further, that no funds shall be expended in the AA subsidiary, so-called, for the compensation of state employees; and provided further, that \$225,000 shall be expended on a statewide program of technical assistance to community health centers to be provided by a state primary care association qualified under section 330(f)(1) of the United States Public Health Service Act 42, U.S.C. section 254c(f)(1).....

\$2,415,437

4510-0600

For an environmental and community health hazards program, including control of radiation and nuclear hazards, consumer products protection, food and drugs, lead poisoning prevention in accordance with chapter 482 of the acts of 1993, lead-based paint inspections in day care facilities, inspection of radiological facilities, licensing of x-ray technologists and the administration of the division of environmental epidemiology and toxicology for the purposes of chapter 470 of the acts of 1983, the "Right-to-Know" law; provided, that the expenditures from this item for the fair packaging and labeling survey program shall be contingent upon the prior approval of the proper federal authorities for reimbursement of 100 per cent of the amounts so expended; provided further, that no funds appropriated herein shall be expended for the purpose of siting or locating a low-level radioactive waste facility in the commonwealth; and provided further, that no funds shall be expended in the AA subsidiary, so-called, for the compensation of state employees.....

**\$308,007**

~~\$107,007~~

4510-0615

The department may expend an amount not to exceed \$150,000 from assessments collected under section 5K of chapter 111 of the General Laws for services provided to monitor, survey and inspect nuclear power reactors; provided, that the department may expend revenues not to exceed \$1,174,195 from fees collected from licensing and inspecting users of radioactive material within the commonwealth under licenses presently issued by the nuclear regulatory commission; provided further, that the revenues may be used for the costs of both programs, including the compensation of employees; provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system; and provided further that the department shall report quarterly to the house and senate committees on ways and means the total amount of revenue collected, a ratio of revenue collected per employee, the total number of inspections and a ratio of inspections per employee .....

\$1,324,195

4510-0616

For a drug registration and monitoring program; provided, that the department may expend an amount not to exceed \$2,365,008 from revenues collected from a fee charged to registered practitioners, including physicians, dentists, veterinarians, podiatrists and optometrists for controlled substance registration; provided further, that funds may be expended from this item for the costs of personnel; and provided further, that for the purpose of accommodating discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate as reported in the state accounting system .....

\$2,365,008

4510-0710

For the operation of the division of health care quality and the office of patient protection; provided, that the division shall be responsible for assuring the quality of patient care provided by the commonwealth's health care facilities and services, and for protecting the health and safety of patients who receive care and services in nursing homes, rest homes, clinical laboratories, clinics, institutions for the mentally retarded and the mentally ill, hospitals and infirmaries, including the inspection of ambulance services; provided further, that the division shall coordinate its work with the boards of registration under the department of public health to promote quality patient care in facilities licensed by the department, and shall report specific instances of preventable medical error that involve an individualized component investigated by the board of registration and a systemic or institutional component investigated by the division, the medical, administrative, educational and disciplinary outcomes of such instances of preventable medical error, and the ways in which coordination promotes quality patient care, fairness and accuracy in disciplinary actions, and better provider and facility education; provided further, that investigators shall conduct investigations of abuse, neglect, mistreatment and misappropriation under section 51 and section 72H of chapter 111 of the General Laws; provided further, that the division shall assign such investigators to perform their duties on staggered shifts which shall be established by the division in order to provide coverage adequate to ensure that all complaints of abuse, neglect, mistreatment, and misappropriation

provided further, that not more than \$30,000 shall be expended for a renal disease program administered by the National Kidney Foundation of Massachusetts, Rhode Island and Vermont for nutritional supplements and early intervention services for those affected by renal disease and those at risk of renal disease; and provided further, that not less than \$81,000 shall be expended for a statewide lupus database

are investigated under section 51 and section 72H of chapter 111, and that the department shall investigate complaints during evening and weekend hours as needed to assess the validity of the complaint; provided further, that not less than 10 per cent of all routine surveys of the facilities are completed during evening or weekend hours; provided further, that the division shall minimize the need for payment of overtime to investigators in both emergent and non-emergent situations and shall not authorize the assignment of overtime hours for any investigator when the duties can be performed on a non-overtime basis by another investigator; provided further, that all investigators in the division of health care quality responsible for the investigations shall receive training by the Medicaid fraud control unit of the office of the attorney general under a comprehensive training program to be developed by the division and the unit; provided further, that the division shall report quarterly to the house and senate committees on ways and means on the number of incident reports and, for those reports requiring investigations under said section 72H of said chapter 111, indicating for each such report, the time in which: (1) the division completed its investigation; (2) the division made an evaluation and determination of the validity of the report; (3) the division made a referral of such report to the appropriate agency or agencies; provided further, that if in any quarter the division maintains a backlog of cases requiring investigation that have not been investigated, evaluated and determined within the time frames established in said section 72H of said chapter 111, the division shall include in the report an explanation as to the reasons therefore; and provided further, that the division shall include in the report a list of all instances of the payment of overtime for investigators and the justification therefore and in each quarter shall compare the overtime expenditures from this item with the overtime expenditures made in the corresponding quarter of fiscal year 2003 .....

\$6,622,745

4510-0712

The department may expend an amount not to exceed \$987,427 in revenues collected from the licensure of health facilities for program costs of the division of health care quality; provided, that the department may expend an amount not to exceed \$1,700,000 from revenues collected from individuals applying for emergency medical technician licensure and recertification; and provided further, that notwithstanding any general or special law to the contrary, for the purpose of accommodating timing discrepancies between the receipt of retained revenue and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lower of this authorization or the most recent revenue estimate therefore as reported in the state accounting system .....

\$2,687,427

4510-0721

For the costs of personnel, administration, information technology, equipment, newsletter and other essential spending of the board of registration in nursing; provided, that the board shall prepare an annual report detailing the total number of cases referred to and investigated by the board, the resolution of such cases, the approximate number of cases assigned to each investigator, and any increases or decreases in cases referred to the board in the previous 6 months; provided further, that the board shall submit each such report to the house and senate committees on ways and means, the joint committee on health care and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases involving preventable medical error that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid error; provided further, that the board shall submit the compilation to the house and senate committees on ways and means, the joint committee on health care, the commissioner of the department of public health and shall make the compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth; and provided further, that the board shall be under the authority of the division of health care quality .....

\$1,456,313

4510-0722

For the costs of personnel, administration, newsletter, dues, travel, public information advertising, and other expenses of the board of registration in pharmacy; provided, that the board shall prepare an annual report detailing the total number of cases referred to and investigated by the board, the resolution of such cases, the approximate number of cases assigned to each investigator, and any increases or decreases in cases referred to the board in the previous 6 months; provided further, that the board shall submit each such report to the house and senate committees on ways and means, the joint committee on health care and the commissioner of the department of public health; provided further, that the board shall prepare a compilation of cases involving preventable medical error that resulted in harm to a patient or health care provider for the purpose of assisting health care providers, hospitals and pharmacies to modify their practices and techniques to avoid error; provided further, that the board shall submit said compilation to the house and senate committees on ways and means, the joint committee on health care, the commissioner of the department of public health and shall make said compilation widely available, including by electronic means, to the public and to all hospitals, pharmacies and health care providers doing business in the commonwealth; and provided further, that the board shall be under the authority of the division of health care quality .....

\$480,287

~~4510-0723~~

~~For the operation and administration of the board of medicine and the committee on~~

4510-0723

For the operation and administration of the board of medicine and the committee on acupuncture; provided, that the board of registration in medicine shall prepare an annual report addressing its activities with respect to licensing, enforcement, law, policy, patient safety and other relevant topics, including, but not limited to, the total number of cases referred to and investigated by the board, the resolution of such cases, the approximate number of cases assigned to each investigator, any increases or decreases in cases referred to the board in the previous 6 months, a compilation of cases from its Patient Care Assessment program describing incidents involving preventable medical error that resulted in harm to a patient or health care provider for the purpose of assisting said providers, hospitals and pharmacies to modify their practices and techniques to avoid error, and any other relevant topics; provided further, that the board shall submit the report to the general court, house and senate committees on ways and means and the joint committee on health care and shall make the compilation widely available, including by electronic means, to the public; and provided further, that the board shall promulgate rules and regulations to coordinate their patient care assessment program with the boards of registration of nursing and pharmacy ..... \$1,639,554